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Published Bi-monthly by
THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Publication Office, 450-458 Ahnaip St., Menasha, Wis.

Editorial Office
209 South Hall
University of Wisconsin
Madison, Wisconsin

Secretary of the Association
1822 Sheridan Road
Northwestern University
Evanston, Illinois

Foreign Agents, P. S. King and Staples, Ltd., Great Smith St., Westminster, London

Entered as second class matter at the post office at Menasha, Wis., under the Act of August 4, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized May 12, 1926.

Made in the United States of America

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THE AMERICAN POLITICAL SCIENCE REVIEW, published bi-monthly, is supplied to all members of the American Political Science Association. The annual dues are $5.00 a year ($3.00 for graduate and undergraduate students). Fifty cents should be added for foreign postage.

Current issues, $1.00 per copy. Prices of other issues, and of complete volumes, are listed near the end of this number.

Applications for membership, orders for the REVIEW, and remittances should be addressed to 450–458 Ahnaip St., Menasha, Wis., or to Kenneth Colegrove, 1822 Sheridan Road, Northwestern University, Evanston, Ill.

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Articles and notes in the REVIEW are indexed in the *Reader's Guide to Periodical Literature*.

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The American Political Science Review

VOL. XXXIX OCTOBER, 1945 NO. 5

THE BUREAU OF THE BUDGET: ITS EVOLUTION AND PRESENT RÔLE, II

FRITZ MORSTEIN MARX

Queens College

In the first part of this paper, an attempt was made to outline the frame of ideas which guided the founders of the national budget system, and to review the principal factors which have influenced the institutional development of the Bureau of the Budget since its establishment in 1921. The second part aims to give some account of the Bureau's current responsibilities and activities, including its working relationships with Congress and the various agencies of the executive branch.

III. MISSION AND METHODS

Perhaps the greatest merit of the Budget and Accounting Act of 1921[101] must be found in the stress it laid on the connection between budgeting and executive management. By directing the Bureau of the Budget to "correlate" the estimates of the federal agencies,[102] the law linked fiscal planning with the coördinative responsibilities of the President. Correlation of estimates necessarily involves adjustment—not only of financial demands for different agency programs, but also of organizational form and mode of operations. Such adjustment cannot be decreed blindly. It requires administrative study and analysis. The Budget and Accounting Act rendered this inference explicit by designating the Bureau of the Budget to look into the structural and managerial problems of the executive branch as a continuing assignment.[103] Up to 1939, the designation remained for the most part a mere notice of intent. Thereafter, the long delayed staff expansion in the Bureau—

[101] 42 Stat. 20; 31 U. S. C. 11–16.
[102] Sec. 207. [103] Sec. 209.

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making it numerically the largest element of the President's Executive Office—transformed the statutory intent into reality. Correspondingly, the Bureau's "relative importance . . . as the embodiment of the presidency in administration increased," as Arthur Macmahon has put it.[104]

Notwithstanding certain recent tendencies in Congress to turn a critical eye upon the Bureau of the Budget as an elongation of the President, and even to treat it as something like his whipping-boy, over the years many statutory provisions have been passed under which the Bureau was given additional functions. Quite a few of these entail continuing duties.[105] More numerous are those of a relatively ephemeral though recurrent character, such as temporary authority written into appropriation acts to sanction the transfer of funds during the fiscal year. A complete enumeration of authorizations of this kind would fill many a page and make rather repetitive reading. Here we shall confine ourselves to a summary of the Bureau's mission and methods with particular reference to three main areas: the budget process, provision of central clearance, and conduct of administrative studies.

1. *The Executive Budget.* One of the Bureau's principal functions is to render effective service as the federal government's budget agency. Such service not only embraces a multitude of responsibilities, but also directs the Bureau toward a task of immediate and tangible significance for every citizen. In the words of Budget Director Harold D. Smith:[106]

[104] "The Future Organizational Pattern of the Executive Branch," in this REVIEW, Vol. 38 (1944), p. 1182.

[105] Examples indicative of the range of such continuing duties are the congressional resolution of May 11, 1922 (42 Stat. 541; 44 U. S. C. 220), under which the use of appropriations available to federal agencies for the printing and binding of periodicals is subject to the budget director's approval; the act of March 26, 1934 (48 Stat. 466; 5 U. S. C. 118 c), as amended, under which he is authorized to make recommendations on foreign service pay adjustment "to meet losses sustained . . . due to the appreciation of foreign currencies in their relation to the American dollar . . . "; the Federal Reports Act of 1942 (56 Stat. 1078; 5. U. S. C. 139, note), which directs him to coördinate federal reporting and fact-gathering services; and the Overtime Pay Act of 1943 (Public Law No. 49, 78th Cong., 1st Sess.), which charged him with the duty of determining for each quarter the personnel requirements of the various agencies of the executive branch (subsequently placed on a more permanent basis under the Federal Employees Pay Act of 1945, Public Law No. 106, 79th Cong., 1st Sess.).

[106] "The Rôle of the Bureau of the Budget in Federal Administration," address given at a joint meeting of the American Political Science Association and the American Society for Public Administration, Dec. 28, 1939.

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"The objectives of the budget should be to implement democracy and provide a tool which will be helpful in the efficient execution of the functions and services of government. Admitting that budgeting is only a process and in no sense an end in itself, it nevertheless plays a vital rôle in the achievement of orderly management of governmental affairs. The budget is a device for consolidating the various interests, objectives, desires, and needs of our citizens into a program whereby they may jointly provide for their safety, convenience, and comfort. It has a tremendous impact upon our entire national economy. It is the most important single current document relating to the social and economic affairs of the people."

As a statement of policy, the budget as acted upon by Congress extends the sanction of legislative approval to defined governmental services, determines the scope and emphasis of these services through the medium of money appropriated for their support, and provides an element of timing in terms of fiscal years. But the budget is also an instrument of control, designed to enforce accountability for the prompt and economical execution of authorized programs. Thus the Bureau must look both ways: toward the framing of the budget as a broad directive for governmental operations, and toward the day-by-day process of continuing activities by which the budget is carried into effect.

The making of the annual budget[107] starts with the call for estimates of appropriations by the budget director. This booklet-like document goes to all federal agencies each June for the fiscal year beginning more than twelve months later (July 1). It requires them to submit their estimates to the Bureau on or before September 15.[108] In connection with his call, the budget director outlines

[107] On the budget process, see Harold D. Smith, "The Bureau of the Budget," *Public Administration Review*, Vol. 1 (1941), pp. 109 ff.; Norman M. Pearson, "The Budget Bureau: From Routine Business to General Staff," *ibid.*, Vol. 3 (1943), pp. 126 ff.; Gustave A. Moe, "The Bureau of the Budget and Governmental Budgeting in Wartime," *National Association of Cost Accountants Bulletin*, Vol. 25 (1943), pp. 48 ff.; Horace W. Wilkie, "Legal Basis for Increased Activities of the Federal Budget Bureau," *George Washington Law Review*, Vol. 11 (1943), pp. 276 ff.; Robert H. Rawson, "The Formulation of the Federal Budget," in Carl J. Friedrich and Edward S. Mason (eds.), *Public Policy* (Cambridge, 1941), pp. 78 ff. For the institutional and procedural context of the budget process, see Daniel T. Selko, *The Federal Financial System* (Washington, 1940). For constructively critical views on the budget process, see E. L. Kohler, "Expenditure Controls in the United States Government," *Accounting Review*, Vol. 20 (1945), pp. 31 ff.; V. O. Key, "The Lack of a Budgetary Theory," in this REVIEW, Vol. 34 (1940), pp. 1137 ff.

[108] Estimates for war agencies (military as well as civilian—the latter alone number 19) are submitted several months later. In the treatment of these estimates, lim-

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the policy of the President with respect to the budget. The call contains detailed instructions for the execution of the required letter of transmittal (together with summary of estimates by bureaus, offices, and similar organizational units), estimates of appropriations (known as language sheets), schedules of obligations (officially referred to as green sheets), and justifications of estimates. These specific instructions are followed by general instructions and a set of illustrative exhibits.

The assembling and review of preliminary estimates coming from the various subdivisions of each agency is a prime responsibility of its budget officer. Internal procedures vary, but scrutiny is usually extensive.[109] Workload data and operating standards find attention as a basis of tentative financial determinations. Information of this character is drawn upon for budgetary justifications.[110] Equally important is the construction of the agency's estimates in terms of an integrated work program in which contradictions and conflicts among different activities are eliminated. Such integration calls for close contact between the budget officer and the departmental leadership. Without the support of his top management, no budget officer could undertake to settle questions of relative priority in the activity pattern of his agency, because each question is likely to impinge upon the preferences of operating officials. Identical problems arise in the adjustment of agency estimates to the President's budget policy.[111]

As the budget officer sits down with his operating colleagues at

ited adjustments of the regular procedure for reasons of both security and flexibility were considered appropriate. However, the adjustments neither touched upon the basic precepts of responsible budgeting nor led to the suspension of statutory requirements.

[109] For an illustration of agency practice, see Verne B. Lewis, *Budgetary Administration in the United States Department of Agriculture* (Chicago, 1941). This department has distinguished itself through the pioneering efforts of its Director of Finance, William A. Jump.

[110] The call for estimates specifically instructs the federal agencies to present workload data and operating standards in their budgetary justifications.

[111] This is true even though hitherto such presidential policy statements have tended to be quite general, especially with respect to the "substance of governmental programs"; Pearson, *loc. cit.* in note 107 above, p. 133. One may perhaps assume that these statements will increase in specificity under a postwar policy of high-level employment, but it should be borne in mind that the activity structure of the executive branch, intertwined as it is with various interest formations which exert continual pressures, does not readily respond to modifications from the top. See Pendleton Herring, "Executive-Legislative Responsibilities," in this REVIEW, Vol. 38 (1944), pp. 1153 ff.

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the conference table, he has exceptional opportunities not only for arriving at sound budgetary recommendations but also for strengthening the management of his agency. His is a vital power—the power to question. He can test the logic of bureau requests for funds. He can spot organizational weaknesses and operational failings. He can analyze old and new programs as parts of a general plan. He can fortify the bureau chiefs in their sense of proportion, and arouse them to a recognition of the needs of the agency as a whole. These are his opportunities. But there are also limitations.[112] Large-scale organizations are burdened with great inertia. Change usually requires extraordinary effort. Pressure of regular business may absorb so much energy that little is left for such additional effort. Moreover, individual bureau chiefs may insist that the services under their control be considered taboo on grounds of special legislative backing.[113] No agency will lightly offend entrenched interests.

In the Bureau of the Budget, the financial requests as submitted in final form by the federal agencies are analyzed by the Estimates Division, the largest and—in point of functional seniority—oldest division.[114] It is organized on an agency basis, and divided into some twelve groups, each of which handles the estimates of a number of agencies more or less similar in program or activity.[115] These groups report to the division head through five assistant division chiefs.[116] Upon receipt in the Bureau, the estimates are studied by the budget examiners assigned to deal with the individual agency. As a rule, because of their manifold working relationships with the agency, examiners are familiar with the main factors underlying its estimates; they may have been called in by the agency budget officer for previous consulta-

[112] These limitations are made still more acute when the budget officer is merely a formal appendage to the office of the agency head, or when the staff facilities at his command are under-developed.

[113] A "boost" even from a single influential member of an Appropriations Committee may carry much weight.

[114] Perhaps it is more appropriate to say that the Estimates Division shares its functional seniority with the Legislative Reference Division, which can trace its clearance responsibility with respect to legislative proposals presenting fiscal implications to Budget Circular No. 49 of Dec. 19, 1921.

[115] The estimates of the legislative and judicial branches come to the Bureau for inclusion in the annual budget, but for obvious reasons are not subject to revision. The principle is one of law; Budget and Accounting Act (see note 101), sec. 201 (a).

[116] Each assistant division chief is in charge of two or more groups.

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tion or clarification of matters of budgetary policy.[117] In their study of the estimates, the budget examiners not only rely on the knowledge accumulated by them,[118] but also compare notes with staff in other parts of the Bureau.

The next step in the budget process is the hearing. For each agency, the examiners in charge of its estimates and the responsible group head constitute the hearing committee. Hearings are scheduled from late in September to the early part of December.[119] They are attended by ranking officials of the agency and their assistants; and these officials include representatives of the departmental leadership, budget officers, and bureau chiefs. Hearings may last only a few hours for a small establishment, or several weeks for a large department. Although informality prevails, a systematic effort is made, both by the members of the hearing committee and by the witnesses, to achieve a full discussion of the agency's needs and problems, and to secure specific answers on any questions to which the written justifications may give occasion. Naturally, attention is focused on the changes in financial requests as compared with the estimates and appropriations for the current fiscal year, but inquiry and analysis extend beyond these changes.[120] Thus many matters come up for examination; some of

[117] The question might be raised whether the budget examiner's integrity of evaluation is likely to suffer from the continuing nature of his working relationships with an individual agency. Mr. Cannon, chairman of the House Appropriations Committee, has recently claimed it as an advantage of the committee's practice of securing staff on temporary detail from the departments that the "constant change in operatives" means "new faces and new brooms"; *Cong. Rec.*, Vol. 89 (1943), p. 10995. Considering the thorough knowledge of an agency required for proper analysis of its estimates, one can appreciate the preference which budget agencies entertain in favor of standing assignments.

[118] In maintaining its program of recurrent examination of governmental activities, the Bureau must see to it that all its information is assembled, digested, and kept readily available in convenient and orderly form. To this end, it has developed a working tool known as the budget digest. It is a permanent, loose-leaf set of reference volumes amplifying and supporting the budget of each agency. The continual development of these digests, including revision of basic materials and posting of periodic data, is a task shared by all budget examiners.

[119] For the war agencies (see note 108), hearings are scheduled later.

[120] How far such inquiry and analysis can effectively be extended within the framework of the hearing is something of a moot question; see especially Kohler, *loc. cit.* in note 107 above. There are several reasons why the hearing is not easily transformed into a grand review of the agency's work program. Pressure of time is one of them. Another is the difficulty of projecting this work program so many months ahead, especially when the general development of conditions is highly dynamic or when legislative attitudes are subject to unpredictable shifts. Moreover,

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them, too difficult to settle on the spot, are marked down for special study at a later time.

After the hearing, the committee meets in executive session for the purpose of preparing its recommendations. Important questions on policy matters are discussed with the chief of the Estimates Division. Clearance must be obtained for all items on which specialized knowledge is available in other parts of the Bureau.[121] After the hearing committee has formulated its recommendations, these as well as the estimates are considered by the budget director, assisted by a review committee of annually varying membership.[122] His review actions furnish the basis on which he advises the President. Subsequently, the Bureau communicates the President's decisions to the individual agencies, so that they can proceed with the revision of their justifications for the Appropriations Committees of Congress.[123]

Although responsibility for the Bureau's share in the budget process centers in the Estimates Division, participation by other divisions is indispensable. Mention should be made especially of the Fiscal Division, in which one finds "the nucleus of a planning staff"[124] tied in with the Bureau's budgetary functions. While the

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the agency's activity structure in the broader context of general policy is not always susceptible of explicit definition; see note 111. Finally, the character of the review approach of the Appropriations Committees exerts considerable influence on the administrative hearing. This approach has on the whole not been conducive to consistent evaluation of governmental programs; see Arthur W. Macmahon, "Congressional Oversight of Administration: The Power of the Purse," *Political Science Quarterly*, Vol. 58 (1943), pp. 161 ff., 380 ff.

[121] For instance, reorganizations or major management changes contemplated in the estimates are cleared with the Division of Administrative Management, statistical projects with the Division of Statistical Standards, and mapping or charting projects with the chief examiner for surveying and mapping. On the latter's program-making and coördinating responsibilities, see Executive Order No. 9094 of Mar. 10, 1942.

[122] This committee serves the director only in an advisory capacity. Oral elaboration of the estimates is the responsibility of members of the hearing committees. At this closing stage in the tentative formulation of the executive budget, agency representatives are not present.

[123] Agencies are sometimes more interested in the reasons underlying the President's decision than in the decision itself. One can imagine situations where an exact statement of the supporting reasons would be very difficult. Ordinarily, however, it should be easier. According to agency representatives, the Bureau has not always been successful in conveying these reasons; for an interesting illustration, see *Hearings* on the Navy Department Appropriation Bill for 1944, 78th Cong., 1st Sess. (1943), pp. 315 ff.

[124] Macmahon, *loc. cit.* in note 104 above, p. 1183. See also Arthur N. Holcombe,

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examiners of the Estimates Division look in the main toward individual agencies and related groups of agencies, this fiscal staff gives special attention to broader governmental programs and their economic implications. Through its working contacts with staff groups in other agencies, such as the Treasury Department and the Federal Reserve System, it is able to supply the budget director with detailed information distilled from many sources. It also aids him in bringing together the raw materials for the budget message, which embodies the President's proposals for the government's annual program and explains its impact upon the economic life of the nation.[125] In general, each member of the fiscal staff devotes the larger part of his time to a particular field in which he serves all parts of the Bureau as a specialist—banking and credit, resources and investment, transportation, federal-state-local relations, or foreign commerce. Without this kind of focus, a budget agency might not see the forest for the trees.

Aside from its work in the area of program analysis, the Fiscal Division, through another staff group, concerns itself with the elaboration of the financial reporting system to perfect it as a means of budgetary control. A landmark in this development is Executive Order No. 8512 of August 13, 1940.[126] The order directs

"Over-All Financial Planning through the Bureau of the Budget," *Public Administration Review*, Vol. 1 (1941), pp. 225 ff. Perhaps it need not be said that the work of the Fiscal Division is no substitute for that of the abolished National Resources Planning Board. Macmahon has legitimately raised the question "whether long-range studies which describe desirable objectives can be conducted in the absence of something like the former National Resources Planning Board"; *loc. cit.* in note 104 above, p. 1183.

[125] Improvement of the form of the budget document is another field of Fiscal Division activity. There have been several desirable changes in recent years, but on the whole the budget document itself—in contrast with the budget message or the budget review issued by the Bureau shortly after the beginning of the new fiscal year—still presents a rather forbidding appearance. Because of innate complexities and the need for accommodating the preferences of the legislative branch, further progress is likely to occur only step by step. For some of the problems and issues involved, see Harold D. Smith, "The Budget as an Instrument of Legislative Control and Executive Management," *Public Administration Review*, Vol. 4 (1944), pp. 181 ff.

It may be expected that under auspices of a policy of "full employment" both form and content of the annual budget will change considerably, especially through relating the government's budget to the "nation's budget." A point of departure appears to have been established in the last budget message (January, 1945) and in the subsequent budget review, dated August 1, 1945.

[126] As amended by Executive Order No. 9084 of March 3, 1942. On the purpose and content of Executive Order No. 8512, see the budget director's explanatory

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federal agencies and governmental corporations to submit to the Treasury Department such accounting data as may be necessary for adequate central reporting. Determination of the content and frequency of these reports is a duty of the Bureau of the Budget.[127] Under the executive order, six regulations have been issued jointly by the Secretary of the Treasury and the budget director, with the concurrence of the Comptroller General.[128] The first lays down standard definitions to provide uniform terminology; it also designates specified reporting forms for use by all federal agencies. Perhaps the most important form is the monthly report on the status of each appropriation, from which the Bureau obtains a graphic picture of the current rate of expenditures and obligations throughout the executive branch. The second and third regulations set forth a similar scheme of financial reporting for governmental corporations and enterprises conducted along commercial lines. The fourth, fifth, and sixth relate to federal receipts and expenditures abroad.

Congress as a rule appropriates money on an annual basis. Proper distribution of expenditures and obligations over the twelve-month period is accomplished by quarterly apportionments. These are determined by the Bureau, generally at the beginning of the fiscal year.[129] To meet changing circumstances, apportionments

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memorandum to the President as published in *Cong. Rec.*, Vol. 88 (1942), pp. 1306 ff. See also J. Weldon Jones, "The Execution of the Federal Budget," *Accounting Review*, Vol. 17 (1942), pp. 88 ff.

[127] As a supporting assignment, the Division of Administrative Management carries on a series of studies to promote improved budgetary administration by federal agencies.

[128] Budget-Treasury Regulation No. 1 of June 28, 1941, as revised (June 1, 1942); No. 2 of June 30, 1942; No. 3 of September 1, 1944; No. 4 of September 15, 1944 (with Supplements Nos. 1 and 2 of September 30, 1944); No. 5 of December 31, 1944 (with Supplement No. 1 of March 31, 1945); and No. 6 of December 31, 1944. See also General Accounting Office Regulation No. 100 of October 4, 1943. The latter is not closely integrated with Budget-Treasury Regulation No. 1.

[129] The Bureau's authority rests on the so-called anti-deficiency legislation (act of Mar. 3, 1905, as amended by act of Feb. 27, 1906—34 Stat. 48; 31 U. S. C. 665) and Executive Order No. 6166 of June 10, 1933. When the appropriation proves inadequate to the unfolding needs of the agency, a supplemental appropriation must be sought, estimates for which are processed like those for the annual budget. When it becomes evident in the course of the fiscal year that for unforeseeable reasons the agency's program does not require the full amounts appropriated by Congress, the Bureau customarily—and in harmony with the practice of most state budget agencies—places the funds not needed in reserve. This method of establishing reserves has recently attracted critical attention in some congressional quarters. On the

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may be revised at the request of individual agencies both from quarter to quarter and within a quarter.[130] The Bureau's apportionment procedure is geared to the report forms prescribed in Budget-Treasury Regulation No. 1.[131] All agencies use these forms in requesting apportionments or revisions of apportionments. Moreover, the monthly reports in which each agency accounts for the status of its appropriations show any obligations in excess of apportionments. Requests for apportionments are usually preceded by conferences between the budget examiners of the Estimates Division and agency budget officers. If particular problems arise, an informal hearing may be called in order to attain a practical solution. The combined effect of the financial reporting system and the Bureau's apportioning power has gone far toward giving much-needed transparency to budget execution.

As a description of the Bureau's functions, this summary of the main steps into which the preparation of the executive budget and its administration divide themselves gives no account of the legislative phase, especially the work of the House and Senate Appropriations Committees.[132] Nor does it fully convey either the time-consuming chores of a continuing nature which in the Bureau provide the foundation for each main step or the scope of interdivisional coöperation in framing evaluative judgments. Throughout the fiscal year, budget examiners must keep themselves currently informed on all significant developments that may affect the financial needs of the agencies within their estimates jurisdiction. Even minor organizational changes and modifications in programs decided upon in an agency may have concrete implications for the structure of appropriations and apportionments. On these matters the Bureau is frequently asked in advance for advice.

other hand, see Second Deficiency Appropriation Act of 1944 (Public Law No. 375, 78th Cong., 2d Sess.), sec. 303.

Subsequent legislation has gone still further. Sec. 607 of the Federal Employees Pay Act of 1945 (Public Law No. 106, 79th Cong., 1st Sess.) contains the first explicit statutory acknowledgment of the budget director's authority to reserve possible savings from expenditure. It is equally significant that this provision—in harmony with the doctrine incorporated in the Budget and Accounting Act—places the exercise of the budget director's reserve power "under such policies as the President may prescribe" (sec. 607 d).

[130] Apportionments for war agencies (see note 108) are determined from quarter to quarter.

[131] See note 128 above. In connection with its apportioning activity, the Estimates Division also reviews the internal allotment of funds by the various agencies.

[132] For the legislative phase, see Macmahon, *loc. cit.* in note 120 above.

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Budget examiners also bring to the attention of agency officials questions of management and operation which are likely to become pressing, and suggest means of meeting such questions on the basis of successful experiments carried on in other agencies. To measure up to his tasks, a budget examiner must, week after week, go through a pile of materials—legislative debates and documents, pamphlets and periodicals, reports and memoranda written in the Bureau or by other agencies. Conferences and committee meetings, inside and outside the Bureau, take another portion of his time. But without investment there could be no returns.

Budget execution, then, no less than budget preparation, calls for competent sifting of a mass of data in order to project realistically and with increasing precision the financial needs of federal agencies in relation to the actual record. Reconsideration of these needs as the fiscal year progresses is within the ambit of the Bureau's apportioning power. More recently, Congress has singled out one particular aspect of budgetary control for special regulation. The Overtime Pay Act of 1943[133] made it the duty of the Bureau to determine, at least from quarter to quarter, the number of employees necessary "for the proper and efficient exercise"[134] of the functions of the executive branch. Personnel in excess of the budget director's periodic determinations must be released at such times as he orders. His determinations are each quarter reported to Congress. As in the budget process itself, initial study of the personnel requirements of each agency subject to the act is the responsibility of the examiners in the Estimates Division. Tentative findings are reviewed by the five assistant division chiefs,[135] acting as a committee. They weigh recommendations primarily

[133] See note 105 above. The theory of this act was curiously at variance with the misgivings which of late have been voiced in Congress over the Bureau's traditional practice of establishing reserves in the execution of the budget; see note 129 above.

The overtime pay legislation has been put into more permanent form in the Federal Employees Pay Act of 1945 (Public Law No. 106, 79th Cong., 1st Sess.). Under this law the budget director's authority has become continuing; the act has simultaneously clarified his relationship with the President in making personnel determinations.

[134] Sec. 11. Under the act, additional compensation as authorized in accordance with the prolongation of the governmental work-week to 48 hours was automatically withheld for the employees of any agency unless its head certified within thirty days from the effective date prescribed by the budget director that the number of employees of the agency did not exceed the latter's determination; secs. 2 and 3.

[135] See note 116 above. As is the case generally, their actions in this capacity are subject to review by the chief of the Estimates Division.

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with a view to uniform application of general standards and to the operating strength of major sectors of governmental activities, thus providing a foundation for the decisions of the budget director. In order to have constructive effects, determinations of this nature must go hand in hand with concrete suggestions for management improvement. Without a program of administrative studies as envisaged by the Budget and Accounting Act,[136] the Bureau would be equally ill prepared for the setting of personnel "ceilings" and the discharge of its estimates responsibilities.

2. *Central Clearance.* In our sometimes inconsistent verbal symbolism of public management, we usually place the President at the apex of the administrative hierarchy.[137] Perhaps it would be more correct to visualize his exercise of the executive function in terms of a series of concentric circles. Only the innermost circle connotes the President's personal sphere of action. The immediately surrounding circle might indicate the area of his top policy advisers. In the next wider circle, one would presumably find his principal staff officers. In such a picture, the going concerns of the departments fall into one of the outer circles. But even the day-by-day business of individual agencies is in some fashion related to the center of direction. This relationship cannot be left to chance. It must be planned and organized. Admitting a considerable degree of freedom of transit from circle to circle,[138] there are many things the President cannot be bothered with, though they are big enough to require settlement in his name. One way of achieving such settlement is through central clearance.

One obvious field in which central clearance must be provided

[136] Sec. 209. Through the Administrative Management Division, the Bureau assists agencies in planning employee suggestion systems and programs for operation analysis specifically aimed at first-line supervisors; see *Work Simplification as Exemplified by the Work Simplification Program of the U. S. Bureau of the Budget*, Public Administration Service Publication No. 91 (Chicago, 1945); Fritz Morstein Marx, "Looking at Under-All Management," *Public Administration Review*, Vol. 4 (1944), pp. 368 ff.

[137] Although the importance of "lines of command" and "administrative channels" should not be minimized, it must be borne in mind that these concepts contend in operating practice with substantial counter-influences; see notes 111 and 113 above.

[138] Notwithstanding the existence of his Executive Office, the President, in his combined rôles as political leader and head of the administrative branch, would probably find it quite difficult to give his relationships with those in the inner circles around him a high degree of organizational form. On the case for "crystallization," see Macmahon, *loc. cit.* in note 104, pp. 1184 ff.

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in an organized manner is that of departmental participation in the legislative process.[139] Such participation takes different forms. Legislative proposals may originate in individual agencies. Or agencies may be asked by congressional committees to explain their views on pending bills. Here the Bureau of the Budget has, since its earliest days, exercised coördinative functions of great significance[140]—functions that were subsequently broadened to include all agency recommendations with regard to legislative measures, whether or not these have fiscal implications.[141] The procedure established with the President's approval for Bureau clearance of such recommendations makes it incumbent upon every federal agency first to secure from the budget director a statement of advice on the relationship of the legislative proposal in question to the program of the President. The agency must include this statement in its communication to Congress.

In considering the facts of each case,[142] the budget director utilizes the services of the Legislative Reference Division,[143] a small staff unit, which in turn reinforces its knowledge by tapping the special information lodged in various other parts of the Bureau. It also solicits methodically the views of all agencies interested in the matter under deliberation. In this process it is possible not only to accomplish a reconciliation of departmental attitudes at variance with one another, but also to obtain a fuller recognition of the President's program. The logic of the arrangement lies in the fact that the Bureau is strategically placed for "looking across

[139] This field, too, engaged the attention of the President's Committee on Administrative Management; see its *Report with Special Studies* (Washington, 1937), especially E. E. Witte's contribution to the subject. On the clearance work of the Bureau of the Budget, see the literature cited in note 107 above, especially Pearson, pp. 138–139.

[140] Budget Circular No. 49 of December 19, 1921, in harmony with the objectives of sec. 206 of the Budget and Accounting Act, prescribed Bureau clearance of all legislative proposals originating in the departments or referred to them by Congress for comment or review in so far as these proposals might "create a charge upon the Public Treasury or commit the Government to obligations which would later require appropriation to meet them." On the legal basis, see Wilkie, *loc. cit.* in note 107 above, pp. 271–272.

[141] Reorganization Plan II of May 9, 1939, pt. 3, sec. 301, together with Executive Order No. 8248 of Sept. 8, 1939.

[142] For some suggestion of the volume of business, see Smith, *loc. cit.* in note 107 above, p. 112.

[143] Both its functions and its mode of operations may be called traditional; see note 114 above.

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departmental lines."[144] Moreover, by clearing agency recommendations dealing with proposed legislation, the Bureau is better prepared to aid the President in reaching a decision on enrolled bills coming to him after final passage by both chambers of Congress.[145] At this stage, again, the views of the departments must be sought, and under much greater pressure of time.[146] Yet, without careful analysis the President might often find himself guessing. The same kind of assistance in essentially the same manner is rendered him by the budget director in the clearance of proposed executive orders and proclamations.[147]

Although exerting a substantial influence toward executive integration, the Bureau's clearance functions are in effect suspensive rather than preclusive. Agency compliance rests more on self-restraint than on compulsion. It could hardly be otherwise. Departments silenced in pursuing their legislative interests "through channels" would not be easily prevented from conveying these interests in one way or another to sympathetic members of Congress ready for sponsorship. In outlining the Bureau's position two years ago before a congressional committee, a qualified spokesman[148] pointed out that

"with respect to legislation, we never tell a department what to say in a report. I have seen reports contain the most fulsomely laudatory praise of legislation which, at its end, contained the statement that the Budget Bureau had reported that it was not in accord with the program of the President. The question of control depends on what you do up here."

The witness also explained that in advising the President the Bureau aimed "to be faithful in presenting . . . both sides of the question—all sides of the question," which "requires a good deal of conscientious hard work in the preparation of memoranda for

[144] To quote the testimony of the chief of the Legislative Reference Division before the House Committee on the Civil Service, investigating civilian employment, 78th Cong., 1st Sess., *Hearings*, p. 367 (1943). It may be noted, however, that the budget director's advice to the agencies concerned ordinarily does not enter into reasons.

[145] This point was stressed in the testimony referred to in the preceding note.

[146] Since the President has only ten days, excluding Sundays, from the date of receipt at the White House within which to act on enrolled bills, these are accorded priority over other matters in the Bureau and all other federal agencies.

[147] See Executive Order No. 7298 of Feb. 18, 1936. Proposed executive orders and proclamations are cleared to the President through the Department of Justice, which attends to the legal aspects.

[148] *Loc. cit.* in note 144 above, p. 366.

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his consideration."[149] Furthermore, as the witness made plain, advice from the Bureau in these matters, like any other advice, in no way shackles the President's independent judgment.[150] Preparatory work on proposed executive orders and proclamations is naturally subject to the same qualification. Yet continuity in the handling of the preliminary phases at a central place adds to consistency and reduces the possibility of ill-considered action. In view of the President's right to suit his own convenience in this respect,[151] exercise of these clearance functions by the Bureau as part of the Executive Office is an arrangement supported by good reasons. Needless to say, the arrangement augments the demands on the Bureau for something like selective ubiquity.[152]

A different kind of clearance service is furnished through the Bureau's review of forms and plans for the collection of information by federal agencies. Administration would be erratic and aimless without being guided by a wide range of data much of which must be secured directly from the public. In view of the mass of data required, coördination of agency requests for information is a material safeguard against both duplication of administrative effort and excessive burdens on the citizen. Under the Federal Reports Act of 1942,[153] report forms and plans for the gathering of data must be approved by the budget director, who in the exercise of this function relies on the Division of Statistical Standards. In the sense of the act,[154] report forms include applications, questionnaires, and reports with incidental tabulations, whether or not to be used on a single occasion or in a recurrent manner. Re-

[149] *Ibid.* "Where the question is a difficult one and the Director has not talked with the President personally, we . . . ask what the President's desires are with respect to legislation."

[150] In response to the committee chairman's question, " . . . the President does not always follow the recommendations you make, does he?," the witness answered, "No, sir." *Ibid.*

[151] In the words of Senator McKellar, acting chairman of the Senate Appropriations Committee, the President "has the right to call on anybody he pleases, of course." *Hearings* on the Independent Offices Appropriation Bill for 1945, 78th Cong., 2d Sess. (1944), p. 113.

[152] As Senator McKellar put it rather liberally, "The Bureau of the Budget sits in on every activity of the Government these days—I do not think there is anything they miss . . . . " *Ibid.*, pp. 112–113.

[153] See note 105 above. The law incorporates basic recommendations made by the former Central Statistical Board, predecessor of the Bureau's Division of Statistical Standards.

[154] As elaborated by Regulation A issued under the act.

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porting plans in the statutory meaning include any requirement, general or specific, for the establishment and maintenance of records from which information is to be compiled, as well as instructions governing the content, preparation, or return of a form. Parallel procedures apply to the review and clearance of report forms and plans.[155]

The first steps in the clearance of a report form are taken within the agency where the form originates. In harmony with its interest in strengthening departmental management, the Bureau has encouraged federal agencies to provide for internal control over their report forms and plans. Although joint consideration of important forms from the start may be indicated in order to allow for early consultation with interested departments, more often the agency's internal control unit has completed its review before the form comes to the Bureau.[156] Here the clearance officer of the Statistical Standards Division assigns it to a staff member to serve as primary reviewer.[157] He is responsible for consulting all federal agencies having an official interest in the subject-matter to which the form relates.[158] Trade associations and other organizations outside the federal government are also approached for advice if this appears desirable. Informality of consultation prevents delay and cuts down circumlocution.

The primary reviewer must find out whether the information sought is essential to the agency's program; whether it is already available in another agency; if not available, whether it might better be requested jointly with other data needed by the same or a

[155] Only a few agencies are exempted from the provisions of the Federal Reports Act, Internal Revenue forms representing the most important area exempted. For more specific discussion of this kind of clearance activity, see Stuart A. Rice, "The Rôle and Management of the Federal Statistical System," in this REVIEW, Vol. 34 (1940), pp. 481 ff., and "Coördination of Federal Statistical Programs," *American Journal of Sociology*, Vol. 50 (1944), pp. 22 ff.; Edward T. Crowder, "Centralized Internal Control of Data Collection by Federal Agencies," *American Statistical Association Journal*, Vol. 39 (1944), pp. 144 ff.

[156] If the internal control unit has disapproved the form, it is, of course, not handed on to the Bureau.

[157] Other staff members may be designated as secondary reviewers, with the primary reviewer serving as the team leader.

[158] One agency may be interested because the form, with or without modification, can serve its administrative needs. Another agency may be interested because it maintains a research program in which the data to be obtained by the form will be helpful. A third, lacking any operating or research interest in the data, may nevertheless be in a position to render technical advice.

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different agency; whether it would be useful to other agencies, with or without modification of the proposed form; and whether the form is technically adequate.[159] In order to arrive at answers to these questions, the reviewer takes counsel with his colleagues in the division and staff of other divisions possessing familiarity with the particular area. Information which he obtains from various sources may raise problems of program coördination among different agencies. Such information is relayed to other parts of the Bureau primarily concerned with these problems.

If a report form is disapproved, the agency originating it is so informed.[160] If a form proves justifiable and satisfactory, the agency receives a notice of approval. Frequently the approval is conditional upon specific changes. The notice states the approval number and usually a date on which the approval will expire. Both the approval number and the expiration date are put on the printed form for everyone to see. Expiration dates can be set in such a way as to facilitate simultaneous reconsideration of related forms.[161]

Review of statistical plans and proposals for the collection of data in essence involves nothing less than an attempt at full coördination of agency reporting programs. Responsibility for this task is assigned to individual staff members of the Statistical Standards Division having command of broad subject-matter fields such as labor statistics. Discussion with the departments aims at appropriate modifications and consolidations of fact-gathering programs within and between agencies. Such discussion also provides the budget director with a basis for recommendations to the President

[159] Standards of technical adequacy govern such matters as the suitability of the proposed method of collection; examination of the coverage proposed, which may be too broad or too narrow, or may involve faulty sampling; evaluation of the proposed frequencies of collection, which may be excessive; and conformity with the bookkeeping functions of an industry which is to submit returns on the form.

[160] The written statement sets forth the reasons.

[161] In his most recent testimony before the House Appropriations Committee, the budget director supplied the following information about the work of the Division of Statistical Standards: "During the calendar years 1943 and 1944, the Bureau acted on a total of 15,347 forms, of which 1,526 were disapproved. A total of 1,104 of those disapproved were repetitive forms, which would have called for continuing information at periodic intervals. Slightly more than half of the forms acted on during this period were forms required for administrative purposes. Almost 30 per cent were forms used to collect data needed for general informational or policy-making purposes, and the balance were applications for benefits and privileges." *Hearings* on the Independent Offices Appropriations Bill for 1946, 79th Cong., 1st Sess. (1945), p. 1306.

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for legislative improvement of the federal government's statistical programs. Thus, together with the Fiscal Division, the Statistical Standards Division has taken the initiative in considering the range of data that will be required as a factual foundation in support of a postwar policy of high-level production and employment. Another device of coördination is the establishment of a single collecting agency for any type of information. Whenever the budget director is satisfied that the information needs of two or more agencies will be adequately served by a single collecting agency, he is authorized by the Federal Reports Act to call a hearing.[162] After the hearing, he may issue an order designating the collecting agency and prescribing its duties and functions and those of the agencies for which it is to serve as agent.[163]

Particular attention has been given to easing the burden of report forms and plans on small business. For many statistical programs, cut-off points have been fixed—by establishing exemptions for enterprises below a specified size, or by prescribing separate requirements involving less frequent or less extensive reporting for smaller firms. In the development of methods for reducing reporting loads on industry, the Bureau has benefited from the assistance of its Advisory Committee on Government Questionnaires, composed of representatives of seven major business organizations.[164]

Technical improvement of statistical methods is another concern of the Statistical Standards Division. With interdepartmental coöperation, it has been active in the preparation of standard classifications such as the standard commodity classification. It has also worked toward improved sampling techniques and standards of form design. Pertinent information is disseminated among federal agencies.[165] Finally, the division aids the budget director in the

[162] At the hearing, the agencies concerned or any other interested persons have an opportunity to present their views.

[163] While such order is in effect, no federal agency covered by it may obtain for itself any information which the collecting agency is to supply.

[164] Established by the budget director in 1942, it has organized some forty subcommittees to deal with specific areas. More recently, the Bureau has created a Labor Advisory Committee and an Agricultural Advisory Committee on Federal Statistics.

[165] To stimulate inter-agency contacts among personnel engaged in the collection, processing, or analysis of information, the division issues annually a *Directory of Statistical Agencies*. For each agency of the government this compilation lists all those in responsible positions who are wholly or partly engaged in statistical activity or in economic or social research. The division also publishes a monthly

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discharge of his wartime duty to maintain a continuous surveillance over governmental publication of statistical data in the interest of national security.[166]

3. *Administrative Studies.* Promotion of "economy and efficiency in the conduct of public service" throughout the federal government is a prime duty of the Bureau of the Budget under its statutory charter.[167] In writing this phrase into the law, the founders of the national budget system drew a clear line of demarcation between two versions of economy. One would attempt to impose upon administrative operations a thoughtless regimen of starvation. The other would try to sustain the highest grade of service at the lowest cost. By linking economy and efficiency—cost and performance—the Budget and Accounting Act endorsed the latter version and rejected the former. Far from pronouncing itself in favor of less and less service to be financed from public revenue, the law called for more economical service by more *efficient* service. Slashing of appropriations in itself would not produce greater efficiency but usually cut the arteries of service. To be sure, like the power of taxation, in John Marshall's famous dictum, budgeting involves the power to destroy. Yet its true end is the opposite of destruction. Moreover, there is a vast difference between blind slaughter and a competently executed surgical excision based on careful diagnosis. Better still than such an excision is continuous examination of the institutional health of the executive branch in order to obviate curative needs by prevention. This requires administrative study.[168]

Conduct of administrative studies is not the exclusive domain of any particular division of the Bureau. Nor do they spring from a single point of origin. Need for special surveys may disclose itself in the analysis of budgetary estimates. Organizational and man-

entitled *Statistical Reporter*, which contains brief accounts of outstanding developments within and outside the government of special interest to statistical personnel.

[166] Executive Order No. 9103 of Mar. 18, 1942.

[167] Budget and Accounting Act (see note 101 above), sec. 209.

[168] See the literature cited in note 107 above, especially Wilkie, pp. 291 ff., and Pearson, pp. 139 ff. See also the latter's "A General Staff to Aid the President," *Public Administration Review*, Vol. 4 (1944), pp. 127 ff.; Bernard L. Gladieux, "Management Planning in the Federal Government," *Advanced Management*, Vol. 5 (1940) pp. 77 ff.; H. S. Person, "Research and Planning as Functions of Administration and Management," *Public Administration Review*, Vol. 1 (1941), pp. 65 ff.; Donald C. Stone, "Planning as an Administrative Process," in National Conference on Planning, *Proceedings* (Chicago, 1941), pp. 80 ff.; Harold Seidman, *Investigating Municipal Administration* (New York, 1941).

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agerial questions may also come in sight through the activities of the Statistical Standards Division or the War Projects Unit, which employs a small staff of engineers to check into the progress of governmental war construction and major production programs by site and plant inspection.[169] Then, too, suggestions for administrative studies may emerge from the daily contacts between the Bureau's several field offices and the various federal field establishments.[170] A large portion of all such studies originate as the incidental product of past or current surveys undertaken by the Division of Administrative Management.

This division, the Bureau's second largest, devotes its attention specifically to the solution of organizational problems and the development of good management in the executive branch. Its management groups help federal agencies to strengthen their staff and auxiliary services and to utilize tested business methods; they also foster improvement and simplification of government-wide procedures and operating techniques applied by individual departments. Its organization group works out plans for the structural arrangement of the executive branch, and aids in the establishment, realignment, reconversion, or liquidation of agencies or agency units. Its international group concentrates on the organization, procedures, and interrelationships of federal agencies in foreign activities, and their ties with international bodies in which the United States participates. The division also contains a war records group which takes an active part in the preparation of first accounts of administrative developments in the main sectors of federal war organization.[171]

Whether a survey is to be undertaken by the Administrative Management Division or another division depends on a number of

[169] Established in 1940, the War Projects Unit keeps the budget director posted on the status of industrial construction and production programs supported by public expenditures. The unit's engineer-examiners look into technical and financial aspects and also appraise operating efficiency.

[170] A central establishment, the Bureau must do all it can to minimize the distance between it and the field operations of the executive branch. The need for focal points of field analysis led in 1943 to the organization of a few field offices. These are combined in the Bureau's Field Service. Its main duties are to secure for the budget director information about federal field operations; promote economical and effective field administration; and render field assistance to the several divisions of the Bureau. See also Earl Latham, "Executive Management and the Federal Field Service," *Public Administration Review*, Vol. 5 (1945), pp. 16 ff.

[171] See "The Recording of World War II," in this REVIEW, Vol. 38 (1944), pp. 331 ff.

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factors. These include availability of staff of specialized competence, primacy of divisional program interests, the nature of prior working arrangements with the agency concerned, and the desirability of using teams that have acquired extensive experience in working on specific sets of problems. Because the majority of surveys rest on a concrete understanding with the agency where the study is to be carried out, in many instances the question of divisional sponsorship will be settled implicitly in the process of reaching such an understanding. In general, however, marching orders are based on interdivisional accord, especially when the initiative for study projects arises in the Bureau or when the course of action is outlined in suggestions embodied in the reports of the Appropriations Committees of Congress.[172] Accord is made easier by the Bureau's practice of allocating continuing responsibilities for defined areas to individual staff specialists without loss of flexibility in team assignments.

In teaming up staff members for administrative study, working parties are often drawn from different divisions. This arrangement contributes to a useful pooling of diversified experience. Working parties may also include staff from departmental management services or operating branches. Such combinations with agency resources fit in with the Bureau's general preference for accomplishing its mission by serving as a "decentralizing force."[173] Combined operations not only invite wholehearted support on the part of the collaborating establishment,[174] but also supply additional opportunities for the transmission and interchange of sound methods of analysis, management, and training. To enlarge the body of

[172] As an example, in its report on the appropriations for the State, Commerce, and Justice Departments and the Federal Loan Agency for the fiscal year 1946, the House Appropriations Committee suggested that the Budget Bureau institute studies with a view to achieving a standardization of the type and extent of work to be performed on the various levels of these agencies, departmental, bureau, and divisional; 79th Cong., 1st Sess., House Rep. No. 333, p. 5. Such suggestions are very valuable both in establishing closer contact between the congressional committee and the Bureau and in furnishing special support for the Bureau in the broadening of studies which may have engaged part of its staff for some time.

[173] Macmahon, *loc. cit.* in note 104 above, p. 1183.

[174] It may be noted that combined operations naturally make it difficult to allocate credit for achievements justly. Said the budget director recently: "I think the Bureau of the Budget must lean over backward, in the very nature of its relationships, to give the departments credit for the work that they do, and not take too much, or not as much as maybe we deserve, for the leadership which we have supplied"; *loc. cit.* in note 161 above, p. 1304.

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practical knowledge in these fields and to share it with all other federal agencies are tasks which the Bureau has accorded high priority. Thus the Bureau has issued a series of management bulletins in the form of check-lists for agency use, each applying to a different area of administrative planning. Another example is the preparation of a program of budgetary training to be carried out on an interdepartmental basis. A third illustration is the development of materials for the instruction of first-line supervisors in federal establishments in order to equip them for recurrent analysis and successive tightening of the working methods utilized in their units.[175] The common denominator in these and similar undertakings is the Bureau's acknowledged aim to help agencies to help themselves.

Many administrative studies touch all or several federal establishments at the same time. For instance, simplification of payroll procedures cuts across the entire government; or, to take another case, examination of the machinery for economic stabilization would entail analysis of a variety of agencies. Other studies are confined to a single department or certain of its activities or organizational units. The latter kind of projects may be carried on because findings are relevant to the operation of other agencies; or special assistance may be required by an organizational entity newly created, modified in program, or relocated elsewhere in order that it can speedily settle down to its tasks; or functional changes may call for an extensive overhauling of the agency's internal arrangements. Clusters of related studies may result from general reconnaissance into a large area of federal activities or from a reorientation of Bureau work. This is true of the present enterprise of providing the groundwork for reconverting the federal government from war to peace, which involves a "fundamental canvass of possible departmental developments and adjustments."[176] As the budget director recently explained before the House Appropriations Committee,[177]

"We are making another complete survey of the Government, based on the information we have been building up over a period of time. That translates itself into the fact that we have a very definite project in this

[175] See note 136 above. In this effort, the Bureau has been specifically encouraged by the House Appropriations Committee.

[176] Macmahon, *loc. cit.* in note 104 above, p. 1188.

[177] *Loc. cit.* in note 161 above, pp. 1309–1310.

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area of something like 375 case reports. They break down in detail the functions of the Government and the various bureaus and sections of it. Those studies will be part of the background that will go into the consideration of what needs to be done to readjust the Government after the war."

In most surveys, terms of reference are specified jointly with the responsible agency officials. This eliminates the ominous connotations which in many minds attach to a formal "investigation." When terms of reference are clear to all concerned, or when Bureau assistance consists in making some of its specialists available as members of an agency study team,[178] unity of purpose is usually attained without much difficulty. As staff members of the Bureau blend into the working scheme of the agency, they soon lose their identity as "outsiders." In this manner the Bureau has been able to evolve coöperative arrangements of great practical significance. In an atmosphere of informality and common ends, the recommendations of a study team may sometimes take the unceremonious form of one or two carefully considered memoranda. However, in each instance the approach used and the problems encountered are subsequently incorporated into a study completion report, which plays an important rôle in the Bureau's record system as a key document in the depository of subject-matter information.

A study program so widely ramified[179] and so greatly dependent on skillful handling of working contacts requires a high degree of organization and much intercommunication from survey team to survey team.[180] Necessarily, the Bureau maintains a reporting

[178] In the words of an eminent customer: "The administrative management division of the Bureau of the Budget on many occasions made available the services of its key personnel to assist in an organizational study of some phase of War Department activity that needed to be improved"; Major General Otto L. Nelson, Jr., "Wartime Developments in War Department Organization and Administration," *Public Administration Review*, Vol. 5 (1945), p. 13.

[179] For illustrations of administrative studies carried on by the Bureau, see the literature cited in note 107 above, especially Moe, pp. 58 ff. A more detailed listing accompanies the testimony of the chief of the Administrative Management Division before the House Civil Service Committee, *loc. cit.* in note 144 above, pp. 428 ff. The interplay of questions and answers in connection with this testimony (pp. 375 ff.) shows a most remarkable breakdown in communication and makes very illuminating reading on this score.

[180] And from survey teams to points of continuing activity such as estimates work, legislative clearance, inspection of war construction, and review of report forms. The difficulties in such intercommunication spring largely from conflicting notions of too much and too little.

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system which connects study activities with one another as well as with the office of the budget director. Time and again, he or his second-in-command, the assistant director, or a division chief, must take personal steps to lay the foundations for remedial action or to remove more serious obstacles in the path of a project.[181] In addition, occasions arise frequently for reconsideration of project objectives at the Bureau's top level. No less important than such central appraisal and redirection of the total survey program is the constant exchange of information and counsel among members of different teams and specialists of different divisions.[182] A unified conception of its mission is vital to the Bureau's success. Such a conception cannot simply be called forth by administrative order. It must crystallize in vigorous search for practical propositions that meet the test of hard reason. In this search there is no room for distinctions of seniority or rank.

Activation of the Bureau for administrative study in accordance with the stipulations of the Budget and Accounting Act has meant much more than the creation of another service activity. It has filled a void between the President and the departmental system. It has given rise to commonly accepted standards of executive management. And it has raised the sights of budgetary control. In his rôle as political leader, the President can devote only part of his time and energy to the exercise of the executive function. His management interests, for the most part implicit in his responsibility for the executive branch, are general rather than specific. Yet they must find concrete expression in the face of concrete problems. Solutions cannot be imposed from above, but must be drawn from analysis. This is a task typical of a staff agency such as the Bureau of the Budget. Inevitably, the task is one beset by difficulties. Organization and methods work, in government as in private enterprise, at various points runs up against "politics"—vested interests, personalities, dubious motivations, institutional inertia. Advance is not adequately measured in terms of the ideal. It should be measured in terms of the attainable. Qualified students, in applying such measure to the Bureau, have tended toward com-

[181] Macmahon (*loc. cit.* in note 104 above, p. 1184) has referred to the "contacts and negotiations of an extremely pressing and delicate nature" in which the Bureau's "highest officials" were engaged in assisting in the construction of the federal government's war establishment.

[182] Informal personal contact among staff members produces the equivalent of an informational digest of exceptionally broad coverage. In a sense, such contact is a continuous process of internal clearance.

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mendation.[183] There have also been echoes from across the ocean.[184]

IV. WORKING RELATIONSHIPS

Attached to the President as one of his "principal management arms,"[185] charged with tasks that border on the highly dynamic sphere of joint legislative-executive action, and touching the departmental structure at countless points, the Bureau of the Budget is compelled by its mandate to place a premium on good working relationships.

Generally speaking, working relationships between the Bureau and the departmental system have been very satisfactory. Judging from all evidence, federal agencies are on the whole inclined to consider the Bureau an associate rather than an intruder. Of course, a central staff agency would defeat its purposes if it tried to arrogate to itself operating responsibilities. Exercise of these responsibilities, however, must conform to the directives of the chief executive. In conveying his administrative approach, the Bureau has avoided the error of attempting to put agency management into a straitjacket. Control functions have not been discharged as if they were ends in themselves. Their impact has been tempered by the Bureau's active interest in carrying forward government-wide management improvement through both study projects and direct staff assistance. In all such efforts, the Bureau has gained materially from collaboration extended by other elements of the President's

[183] As one informed observer has put it, in helping to build the war machine of the United States the Bureau "made an extraordinary contribution not only in orderly budgeting, but also in management and organization"; Luther Gulick, "War Organization of the Federal Government," in this REVIEW, Vol. 38 (1944), p. 1176.

[184] In England, the work of the Bureau's Administrative Management Division has been held up as an example of what the Treasury should be doing; see Select Committee on National Expenditures, *Sixteenth Report* (London, 1942), pp. 17, 34. Although the British Treasury's organization and methods staff is as yet in the process of seeking its stride, its training work has progressed to the point where returns in departmental self-improvement begin to tell. Of still broader significance is the recent appointment of Sir Edward Bridges, one of the ablest exponents of the "younger" civil service generation, to the position of Permanent Secretary to the Treasury and Head of the Civil Service. He occupies this post in combination with that of Secretary to the War Cabinet, which he has held for some time. In his latter capacity, he is at the helm of the War Cabinet Offices, which have come to include "several of the most vital central organs of government," to quote the *Economist* (Feb. 17, 1945), p. 208. This development represents a remarkable parallel to the recommendations brought forth in 1937 by the President's Committee on Administrative Management (see note 139 above).

[185] In the language of Executive Order No. 8248 of Sept. 8, 1939.

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Executive Office and by central establishments such as the General Accounting Office and the much invigorated Civil Service Commission.

Success along these lines would have been impossible without the Bureau's standing as an administrative agent of the President. One gathers that the large mass of daily business handled by the Bureau never reaches the President's desk. However, in order to infuse into this business the essence of presidential determinations, the budget director must be able to reinforce his sense of the general line to be followed by reasonably frequent direct access to the President. The more intimate the nature of these contacts, the larger is the area of administrative action in which the Bureau can reflect the President's point of view without being compelled to seek specific decisions from him. For the most part, the Bureau works in the President's shadow, so to speak. In meeting individual issues, it is guided by its understanding of the President's outlook and can thus operate in anticipation of his judgment. Needless to say, alert discrimination is necessary for the Bureau in satisfying itself in the case of departmental opposition how far a matter can be pressed without actual presidential affirmation. Yet the possibility of obtaining his personal decision and the general desire for leaving his time free for matters of primary importance combine to encourage the departments and the Bureau alike to try their best in coming to terms among themselves.

On the other hand, because of its executive affiliation, the Bureau has encountered certain problems in its relations with Congress. Members of the legislative branch, especially during the past few years, have sometimes taken the view that a presidential staff agency is by nature disbarred in the congressional forum, or at least none too worthy of trust. Both this attitude and the official position of the Bureau have been reflected in recent congressional hearings. At one of these[186] Senator Bridges put to the budget director the plain question whether "the Bureau of the Budget is strictly . . . an arm of the President, and in general you do his bidding." The answer was affirmative. But the budget director added:

" . . . the theory of the Executive budget . . . does not preclude, however, the Bureau of the Budget in any way furnishing any information to Congress. The Budget and Accounting Act, itself, says any committee of

[186] Senate *Hearings* on the Independent Offices Appropriation Bill for 1946, 79th Cong., 1st Sess. (1945), p. 302.

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Congress having to do with appropriations or revenue requesting information shall receive it. . . . So it was something of a dual conception, so far as information is concerned, but I should say there is no question about the main thesis that it is an Executive budget.

The Director of the Budget, in the main, has no power in and of himself except as reflected by the President. There are some exceptions . . . , such as the Personnel Ceiling Act, that gives the Director of the Budget independent power, and other provisions which concern transfer of funds, special provisions, and so forth."

Testifying on another occasion, the budget director stressed the fact that the legislative-executive relations in the field of budgeting carry with them a modification of the theory of the separation of powers:[187]

"It is my conception that . . . the Budget is the joint effort of the Executive and Congress, and I have never seen any reason why there should not be closer working relations.

As a matter of fact, . . . the Appropriations Committee . . . has asked for formal reports on a number of subjects, and has asked for informal reports on other subjects.

More than that, various subcommittees—and this varies according to the appropriations subcommittee—have used the staff of the Bureau of the Budget to supply information and to testify on various fields in which the particular subcommittee is interested.

So that I see, as a matter of practice, a bridging of the gap between the Executive and the Appropriations Committee in the Budget."

Awareness of this gap and of its undesirable consequences has been expressed on the legislative as well as the executive side. The following colloquy between a thoughtful lawmaker—member of the Senate Appropriations Committee—and the budget director is an illustration:[188]

"Senator Reed. Well, would it produce a better situation from the standpoint of the Government if this committee, for example, which is the arm of the Senate, coördinated its efforts with your efforts—in other words, if we consulted more frequently with you and you discussed these things with us, would that help any?

Mr. Smith. I think so. . . . When the President's Budget is made up and available, we ought to submit it to the two committees, with a general statement about the background of thinking with respect to matters presented there. Then we ought to submit a specific memoran-

[187] *Loc. cit.* in note 144 above, p. 275.
[188] *Loc. cit.* in note 186 above, p. 307.

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dum, as we have done more often recently with the House committee at their request, indicating the background of particular proposals. . . . if we can get our facts before a committee of the Congress, our job is done. The committee can do whatever it will, but often we never get the facts before the committee."

Presentation of "the facts" would naturally be of little avail to the Appropriations Committees unless these in turn possessed staff facilities sufficient for competent analysis. The staffing of Congress is not a novel problem.[189] It is particularly acute in connection with congressional examination of the budget. As the budget director put it to a subcommittee of the Senate Appropriations Committee,[190]

". . . there are all sorts of mechanisms, but the one that would be most profitable would be communications between the staff of this committee and my staff. But you must have enough staff to effect it.

. . . the test of the situation comes when I come up here before the House Committee or this committee, and discuss the Bureau of the Budget. I get about 10 minutes on my budget and 2 hours on everybody else's budget, which indicates to me that you have in your minds questions which you would like to have answered, and you feel that you only have a chance to get at the Director of the Budget when he appears before you.

. . . I would like to break that idea down so you would feel at any time you had questions you could call upon the Director of the Budget either in some special session, or let us present the documents showing how we arrive at conclusions, and so on."

However, improvement of the mechanics of coöperation between the legislative and executive branches would not lead far unless there were mutual desire for coöperation—in the spirit of the philoso-

[189] See Lindsay Rogers, "The Staffing of Congress," *Political Science Quarterly*, Vol. 56 (1941), pp. 1 ff.; Committee on Congress, American Political Science Association, *The Reorganization of Congress* (Washington, 1945), pp. 22 ff., 79.

[190] *Loc. cit.* in note 186 above, p. 309. Members of the committee had obviously reached the same conclusion. Thus Senator Reed remarked: "Senator Bridges and I have been trying to persuade the chairman we ought to have a larger staff" (*ibid.*). The budget director had only one caution: ". . . it would be a mistake, however, if the congressional committees' staffs attempted to duplicate what we are doing and what is primarily a responsibility of the Executive. The staff should act as a channel for information and should report to you at any time you feel proper or you feel the Director of the Budget or his staff is not doing the kind of job from your point of view that should be done" (*ibid.*). For another approach to the staffing problem, see Mr. Cannon's brief, *loc. cit.* in note 117 above, pp. 10994 ff.

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phy which underlies the Budget and Accounting Act. A staff agency such as the Bureau may serve as a useful link between Congress and the President, but it cannot simultaneously carry out the wishes of two masters. There have been congressional suggestions that the Bureau ought to "follow a strong independent line of its own."[191] In one committee hearing, for instance, the budget director, when alluding to his obligation of exercising power "with discretion and humility," was advised that he "had better forget about the humility and use some of that power."[192] Side by side with such thought—though in conflict with it—one finds legislative uneasiness about the scope of executive planning. In a House appropriations hearing, the budget director referred to the lack of congressional support for more extensive planning, pointing out that he was "in a rather unhappy position of having to pass upon programs and planning funds for other agencies without being equipped to exercise what I think may be a more desirable . . . central examination. . . . "[193] This enforced frugality does not well accord with the rôle of government under auspices of a postwar policy of high-level production and employment.

Something like the same competitive instinct may be discerned in several of the features incorporated into the War Mobilization and Reconversion Act of 1944[194] and related statutes.[195] Under this legislation, the director of War Mobilization and Reconversion exercises statutory powers which appear to transcend even those vested in the President in times of peace.[196] Moreover, some of them are identical in character with those of the budget director

[191] Herring, *loc. cit.* in note 111 above, p. 1158. The author relates this phenomenon to the "traditional American distrust of executive power and a belief in counterbalancing the discretionary power of one group of officials with that of another"—which would operate as a source of "great weakness" by permitting a "dangerous lack of coördination" (*ibid.*). See also Lucius Wilmerding, Jr., *The Spending Power: A History of the Efforts of Congress to Control Expenditures* (New Haven, 1943).

[192] *Loc. cit.* in note 144 above, p. 289. See, in general, Macmahon, *loc. cit.* in note 120 above; Wilkie, *loc. cit.* in note 107 above, pp. 279 ff.

[193] *Loc. cit.* in note 161 above, p. 1311. See also Robert A. Walker, "The Relation of Budgeting to Program Planning," *Public Administration Review*, Vol. 4 (1944), pp. 97 ff.

[194] Public Law No. 458, 78th Cong., 2d Sess.

[195] See V. O. Key, "The Reconversion Phase of Demobilization," in this REVIEW, Vol. 38 (1944), pp. 1137 ff.

[196] See Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), p. 318.

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under the Budget and Accounting Act.[197] This conflict of statutory delegations invites "grave danger of confusion," in Louis Brownlow's words,[198] unless the President sees to it—as he has[199]—that there is effective coöperation between the two officers. Fortunately, coöperation has been close, as is evident from recent legislative testimony presented by the budget director:[200]

"We recognize that while the exterior form of the Federal Government may not change very much, it is quite likely that there will be fairly considerable changes in the allocation of functions if we are going to have a business-like postwar governmental structure. So it is, under our general jurisdiction in the Budget and upon the request of the President, that we are building up a more detailed and complete background of information, I should say, than has ever been available before. That is a part of what we consider the normal job of the Bureau of the Budget, and it is to us that Justice Byrnes looks, in connection with his responsibility under the Mobilization Act, for information in this area."

By allocating powers inherent in the presidency to the director of War Mobilization and Reconversion, and by placing him in a special relationship of accountability to the legislature, Congress has taken a step toward the British parliamentary system. Such an officer, bearing a kind of ministerial responsibility to the legislative branch, may proportionately reduce the President to an approximation of the constitutional monarch, with no one acting as the prime minister. On the other hand, an officer serving strictly as the President's special coördinating aide does not necessarily collide with the conception of the Bureau as a "principal management arm." One could imagine a practical line of distinction between directive coördination, task of the former, and managerial coördination, task of the latter. Whether or not such a distinction is workable, it would be highly desirable to lodge the source of directive coördination in the President's Executive Office itself, not in a separate statutory agency as is now the case.

[197] *Ibid.*, pp. 316 ff. The precursor to the new statutory office, the Office of War Mobilization, established under Executive Order No. 9347 of May 27, 1943, in certain ways "undercut" the Bureau's institutional rôle (Macmahon, *loc. cit.* in note 104 above, p. 1184), but there were no signs of serious conflict or friction.

[198] Brownlow, *loc. cit.* in note 196 above, p. 324.

[199] The Budget Bureau's function as the government's administrative surveyor was reaffirmed by letter of the President to the budget director of Sept. 18, 1944.

[200] *Loc. cit.* in note 161 above, p. 1310. Justice Byrnes at that time was the head of the Office of War Mobilization and Reconversion.

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AMERICAN GOVERNMENT AND POLITICS

PRESIDENTIAL CAMPAIGN FUNDS, 1944[1]

LOUISE OVERACKER
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The 1944 campaign was the second presidential election in which the ceilings of the Hatch Act were operative, and the first campaign in which contributions from labor organizations were prohibited. It furnishes convincing evidence of the ineffectiveness of these limitations and of the imperative need for complete revision of existing regulations of campaign funds.

The financing of the 1944 campaign was subjected to close study by special committees of both the House and Senate, and their hearings and reports supplement at many important points the reports required by the Corrupt Practices Act. The most controversial issues of the campaign centered about the Political Action Committee of the CIO,[2] and this organization was subjected to close study by both committees. The House committee, headed by Representative Clinton P. Anderson (now Secretary of Agriculture), also stressed the increasing importance and questionable practices of non-party "opinion moulders," but did not attempt to summarize the total expenditures of the campaign.[3] Senator Green's committee, in addition to studying certain party committees and independent organizations in detail, made a great effort to compile complete data on receipts and expenditures affecting the presidential campaign, and its report makes available what is probably the most complete and accurate over-all picture of the financing of a presidential election ever recorded.[4] The notable recommendations of this committee will be discussed later.

[1] In preparing this article, the writer was assisted by Miss Arline Roshkind, whose aid she gratefully acknowledges. She also wishes to take this opportunity to thank officers of the national committees for information supplied, and members of the staff of the File Clerk's Office, House of Representatives, for the many courtesies extended during the weeks she used the records on file there.

[2] Hereafter referred to as the CIO-PAC.

[3] United States Congress, House of Representatives, Special Committee to Investigate Campaign Expenditures, 1944, *Report No. 2093* (78th Cong., 2nd sess., January 2, 1945, pursuant to H. Res. 551). Hereafter this will be cited as Anderson Committee, *Report*. Hearings, printed for the use of the Committee, will be cited as Anderson Committee, *Hearings*.

[4] United States Congress, Senate, Special Committee to Investigate Presidential, Vice Presidential, and Senatorial Campaign Expenditures in 1944, *Report No. 101* (79th Cong., 1st sess., March 15 (legislative day March 13), 1945, pursuant to S. Res. 263). Hereafter this will be cited as Green Committee, *Report*. Hearings, printed for the use of the committee, will be cited as Green Committee, *Hearings*.

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The campaign of 1944 opened with both national committees solvent. The Republicans had settled all 1940 bills before the end of that calendar year; obligations of $400,000, carried over by the Democrats, were gradually repaid, so that January 1, 1944, found a small balance in the treasury.[5]

Between campaigns, both national committees were relatively inactive,

TABLE I

RECEIPTS AND DISBURSEMENTS OF NATIONAL COMMITTEES, 1941–43[6]

Year	*Democratic*		*Republican*	
	Receipts	*Expenditures*	*Receipts*	*Expenditures*
1941	$651,574	$663,156[a]	$170,146	$232,089
1942	566,940	541,321	154,704	152,242
1943	296,884	317,786	641,432	505,399
Total	$1,515,398	$1,522,263	$966,282	$889,730

[a] Including $258,268 spent in payment of obligations contracted during the 1940 campaign.

TABLE II

EXPENDITURES OF NATIONAL COMMITTEES, JANUARY 1 TO DECEMBER 31, 1944[7]

	Democratic	*Republican*
Disbursements, January 1 to December 31	$2,056,122	$2,828,652
Bills unpaid[a]	112,955	—
Total	$2,169,077	$2,828,652
Transfer to state and other committees	$ 291,906	$ 14,400
National committee expenditures	1,877,171	2,814,252
Total	$2,169,077	$2,828,652

[a] By May 31, 1945, these obligations had been reduced to $30,456.57 and the committee had a balance of $404,504.52 in the treasury.

spending only about one-third as much as in 1937–39. The modesty of these expenditures, shown in Table I, indicates that the limitation of

[5] In a number of instances loans made during 1941 were cancelled later by the individuals making them. In no instance, however, did a loan exceed $5,000, either alone or when added to other outright contributions.

[6] Data from reports filed in the office of the Clerk of the House.

[7] Data from reports filed in the office of Clerk of the House.

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expenditures of national committees to $3,000,000 in a calendar year, provided for in the Hatch Act, did not spur these agencies to greater activity in "off" years. The reason seems to be that the Hatch Act, instead of reducing election-year activities, tended merely to divide them among a larger number of agencies. Ample evidence of this will appear later.

During 1944, the expenditures of both national committees were kept well within the $3,000,000 limitation of the Hatch Act, and the totals were somewhat less than in 1940. (See Table II.) The largest single item in both budgets was for radio time and expenses incidental to campaign broadcasts. During 1944, over $750,000, representing almost forty per cent of its disbursements, was spent by the Democratic National Committee for this purpose.[8] If one adds to this $175,000 paid on 1944 radio bills in the early months of 1945, most of which was chargeable to the campaign, the total rises to the impressive figure of $925,000. Radio expenditures were also important on the Republican side. The national committee spent $841,600 for this purpose during the calendar year 1944, just under thirty per cent of its total. Both absolutely and relatively,

[8] The writer is indebted to officers of the Democratic National Committee for this figure and for the following interesting classification of the expenditures of the Committee, January 1 to December 16, 1944:

Chairman's Activities		
Chairman's office	$ 44,454.04	
Contributions to state and other organizations	230,315.75	
Vice-presidential candidate's expenses	11,988.69	
Absentee Voters, Labor, Veterans, and Young Democrats	19,631.77	
		$ 306,390.25
Treasurer's Activities		147,117.07
Secretary's Office		411.79
Publicity Division		
Radio	$757,344.09	
Other	264,438.05	
		$1,021,782.14
Women's Division		59,364.39
Speaker's Bureau		13,982.88
Negro Division		74,599.24
Overhead expenses, including rent, materials, postage and expressage, telephone and telegraph		241,218.46
Total		$1,864,866.22

The relatively large disbursement for "Treasurer's Activities" suggests that raising campaign funds is an expensive business.

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the amount spent on radio exceeded the expenditures for this purpose in any previous campaign.[9]

TABLE III

RECEIPTS AND EXPENDITURES OF FINANCE COMMITTEES AND IMPORTANT INDEPENDENT ORGANIZATIONS IN 1944[10]

Favoring Democrats	*Receipts*	*Expenditures*
Independent		
Business Men for Roosevelt	$ 165,211	$ 159,285
CIO-PAC	1,024,814	949,351
Democratic Campaign Committee of Philadelphia	239,623	228,745
Hollywood Democratic Committee	136,015	133,882
International Ladies' Garment Workers Union Campaign Committee for Roosevelt-Truman	183,043	182,992
Independent Voters Committee of the Arts and Sciences for Roosevelt	131,963	128,271
NC-PAC	380,306	378,425
National Independent Committee for Roosevelt and Truman	134,584	130,766
One Thousand Club	252,055	200,194
Roosevelt Campaign Committee	116,447	116,447
Favoring Republicans	*Receipts*	*Expenditures*
Finance Committees		
Republican Finance Committee of Connecticut	$ 347,382	$ 332,090
Republican Citizens Finance Committee of Illinois	446,558	418,558
New Jersey Republican Finance Committee	500,729	496,952
United Republican Finance Committee of Metropolitan New York	1,659,451	1,260,593
Republican State Central and Executive Committee of Ohio (including Ohio Finance Committee and Ohio Campaign Committee)	383,008	379,168
Republican Finance Committee of Allegheny Co.	510,943	265,429
Republican Finance Committee of Pennsylvania	1,252,700	939,934
Independent		
American Democratic National Committee	128,466	132,736
Democrats for Dewey	148,045	141,678
Maryland Committee	111,044	103,274
New York Republican County Committee	129,694	101,154

[9] In 1928, the Democratic National Committee spent $550,000 for this purpose, the Republican $420,000. Radio expenditures had never before represented as much as twenty-five per cent of the disbursements of either national committee.

[10] Compiled from Green Committee, *Report*, Appendix IV, pp. 102–121, and Appendix VII, pp. 134–137. Organizations spending $100,000 or more are included.

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The fact that the national committees spent less in 1944 than in 1940 does not mean that the Roosevelt-Dewey contest was less costly than that between Roosevelt and Willkie, but rather that more financial responsibility was assumed by other agencies. In 1944, as in 1940, large sums were raised by Republican finance committees, some of which did a thriving interstate business and maintained a very close relationship to the national committee. The more important are included in Table III. The United Republican Finance Committee and the Republican Finance Committee of Pennsylvania each spent over $1,000,000.[11] Between $300,000 and $400,000 of the collections of the URFC was turned over to the national committee; over $650,000 was allocated to the Congressional Campaign Committee, the Senatorial Campaign Committee, the New York and Connecticut state committees, and county committees in the New York metropolitan area. Some of the contributions of this organization came from out-of-state persons, but in the main its support was localized in the New York area. The RFCPA received contributions from states as far afield as California, Kentucky, Illinois, and Virginia, and advanced funds to the state committees of New Mexico and Wyoming, as well as to the party's congressional and senatorial campaign committees. Funds were transferred from the Ohio Republican Finance Committee to the state committees of Connecticut and Utah.

It is difficult to avoid the conclusion that these committees relieved the national committee of heavy financial responsibilities and that they worked in such close coöperation with the national committee that they were practically auxiliaries. The national committee advanced no funds to the congressional and senatorial campaign committees in 1944, and only $14,400 to state organizations.[12] Their status under the Hatch Act and the Corrupt Practices Act is not clear, although each claims the right to spend up to the $3,000,000 limit, and most of them comply with the filing provisions of the latter statute. The report of the Republican Finance Committee of Pennsylvania, dated January 22, 1942, includes a declaration of intention to divorce itself from such obligations which is an amusing commentary upon the vagaries of our existing legislation:

"During the latter part of 1941 this Committee ceased to function as in any way a branch of the National Finance Committee and thereafter acted entirely as a branch of the Republican State Committee of Pennsylvania under different offices, and in no sense a 'political committee' within the purview of the Federal Corrupt Practices Act of 1925. This report is being filed simply to close out on your records the activities of the old committee, since its report with you covering the campaign of 1940 showed a balance in its hands as of Jan. 1, 1941, since disposed of as shown by the accompanying report.

[11] Hereafter referred to as URFC and RFCPA, respectively.

[12] In 1943, however, $181,575 was returned to state committees; New York, Ohio, and Wisconsin received most of it.

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"In the future, unless a change is made, the Committee will act entirely as a branch of the Republican State Committee."[13]

Whether a "change was made," or the Committee thought better of its intention, is not clear, but in October, 1942, a report was filed and regular reports have been made since. Whether such a statement of intention is sufficient to change an agency from a "political committee" to something else is only one of many nice legal points in doubt under the present legislation.

No such system of finance committees has been established by the Democrats, but in 1944 the One Thousand Club operated on an interstate basis and might be characterized as a second national committee. The club, which was said to have originated with President Roosevelt,[14] and of which he was a member, emphasized loyalty to him, and succeeded in winning the financial support of a considerable number of business men not traditionally Democratic in their loyalty. About half of its funds were used to finance radio broadcasts, including President Roosevelt's speeches of October 28 and November 6; the other half was divided between the support of speakers (including Mr. Ickes), and advances to Democratic candidates to the House of Representatives, amounts of $500 or $250 being given to some 150 candidates. The One Thousand Club was first and foremost a Roosevelt organization, but it relieved the Democratic National Committee of considerable financial responsibility, and the coöperation between the two agencies must have been close.

In 1944, an unusually large number of independent, non-party organizations were active on both sides. The Senate investigating committee compiled a list of several hundred, and, as it points out, this represented only a small proportion of the total.[15] Among the more important favoring Roosevelt and Truman (Table III) were the CIO-PAC and its twin the National Citizens Political Action Committee,[16] "Business Men for Roosevelt," "Hollywood Democratic Committee," "Independent Voters Committee of the Arts and Sciences for Roosevelt," and the "National Independent Committee for Roosevelt and Truman." Of less importance financially, but with interesting implications, were the "Committee to Enlighten the Electorate, New York City"; "Farmers for Roosevelt Committee," Ithaca, N.Y.; "Friends of Roosevelt Committee," Ohio; "Harry S. Truman Campaign Fund Committee"; "Illinois American Federation of Labor Committee for Roosevelt and Truman," Chicago; "Pennsylvania Federation of Labor Committee to Elect Roosevelt";

[13] From a letter accompanying the report signed by L. Johnson, secretary to E. T. Weir, chairman of the committee.

[14] *New York Times*, Jan. 11, 1945.

[15] Green Committee, *Report*, pp. 7–30, and Appendix VII, pp. 134–137.

[16] Hereafter cited as NC-PAC.

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"Rank and File Committee to Reëlect Roosevelt," Louisville, Kentucky; "Roosevelt All-Party Committee," Wisconsin; "Samuel Goldwyn Southern California Committee for Roosevelt"; "Servicemen's Wives to Reëlect Roosevelt"; "Social Workers Non-Partisan Committee for Roosevelt"; "Young Americans for Roosevelt."

Fully as numerous and varied in their appeals were the agencies supporting Dewey. In addition to those listed in Table III might be mentioned the "All-American Committee for Dewey and Bricker"; "Aviation Committee for Dewey"; "Constitutional Democrats of North Carolina"; "Democrats for Dewey"; "Dewey-Bricker Clubs"; "Independent Committee of Doctors for the Election of Dewey-Bricker-Curran," New York City; "Jeffersonian Democrats of California"; "Minute Women"; "National Association of Pro-America"; "National Insurance Committee for Dewey and Bricker"; "People's Committee to Defend Life Insurance and Savings"; "Southern Anti-New Deal Association." The extreme to which the zeal for organization was carried is illustrated by the "Girls Who Save Their Nickels to Elect a Republican Club," Chicago, which reported receipts of $44.74!

The scale of operation of these organizations is, as the Anderson Committee pointed out, "impressive"; to an increasing extent, non-party agencies are taking over the work of campaigning.[17] The problem of control is complicated because some of these insist that their activities are "educational," not political, and that hence they fall outside the scope of the Corrupt Practices Act. In the last campaign, some of these organizations received anonymous contributions and solicited campaign funds with the understanding that the name of the contributor would not be made public.[18] Full publicity of their activities is imperative for the protection of their members as well as the protection of the public generally. In 1944, there were instances in which organizations collected their funds by high-power, house-to-house salesmanship, and the collections were used very largely for the personal aggrandizement of a small group of men.[19] Before the Hatch Act limitations were adopted, independent party and non-party organizations would have been discouraged; now they are often condoned and sometimes even inspired by the party's official hierarchy. This decentralization of responsibility for the collection and distribution of money in presidential campaigns is one of the most unfortunate effects of the Hatch Act.

The decentralization of expenditures, as well as the total cost of the 1944 campaign, is evident from Table IV. The disbursements of the two

[17] Anderson Committee, *Report*, pp. 3–4.

[18] Green Committee, *Report*, pp. 17–18; Anderson Committee, *Report*, pp. 7–8.

[19] Green Committee, *Report*, pp. 26–30, describing the activities of the so-called State Republican League and Republican Citizens Committee of New Jersey.

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national committees represented less than one-fourth of the $20,000,000 total expended. The total is, of course, far in excess of the Hatch Act limitations, and closely approximates the total outlay of national committees, state and finance committees, and independent organizations

TABLE IV

SUMMARY OF EXPENDITURES INFLUENCING PRESIDENTIAL ELECTION, 1944[20]

Group	*Supporting Democrats*	*Supporting Republicans*	*Total*
National committee	$2,056,122	$2,828,652	$4,884,774
State committees and finance committees	2,033,370	9,260,528	11,293,898
Independent groups or individuals	3,352,308	1,106,197	4,458,505
Total	$7,441,800	$13,195,377	$20,637,177

in the 1940 campaign.[21] If county and local committees had been included, both totals would have been much larger. As significant as the size of these figures is the relative unimportance of the rôle of the national committees in both parties, and the relative totals of the two parties. The expenditures of the Democratic National Committee were less than one-third of the total; those of the Republican National Committee less than one-fourth. State committees and finance committees played the most important rôle in the financing of the Dewey campaign, but on the Democratic side independent groups spent more than either the national committee or state and other party committees. The total expenditure of organizations supporting the Republicans exceeded the Democratic total by $5,750,000.

The receipts of the national committees, summarized in Table V, show that although both parties kept within the limit, on the Republican side it was by a very narrow margin. There must have been some nervous moments when the committee balanced its books. Deprived of the *Book of the National Convention* and trade unions as a source of revenue, most of the Democratic income came from individual cash contributions and Jackson Day and George Washington Birthday dinners, with collections from members of trade unions, political committees, and miscellaneous groups making up most of the balance. A considerable proportion of the

[20] Adapted from the Green Committee, *Report*, p. 79. Expenditures in senatorial campaigns are omitted.

[21] The total in 1940 was $20,796,224. See "Campaign Finance in the Presidential Election of 1940," in this REVIEW, Vol. 35 (Aug., 1941), p. 713.

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TABLE V

RECEIPTS OF NATIONAL COMMITTEES JANUARY 1 TO DECEMBER 31, 1944[22]

	Democratic[a]	*Republican*
Individual contributions	$1,908,631	$1,694,811
Members of trade unions	2,723	—
Political committees and collections	364,073	1,305,188
Dinners	251,675	—
Miscellaneous	29,033	—
Total	$2,556,135	$2,999,999

[a] This includes $2,500 note of Eugene Untermeyer, cancelled during 1944; it does not include a balance of $9,148 on hand January 1, 1944.

Republican receipts was in the form of transfers from the URFC and similar groups, in lump sums as large as $50,000.[23]

Closer study of individual contributions (Table VI) reveals some

TABLE VI

INDIVIDUAL CONTRIBUTIONS TO NATIONAL COMMITTEES, JANUARY 1 TO DECEMBER 31, 1944[24]

Group	*Democrats*			*Republicans*		
	No. of Contributors	*Amount Contributed by Group*	*Per Cent Contributed by Group*	*No. of Contributors*	*Amount Contributed by Group*	*Per Cent Contributed by Group*
$1,000 and over	459	$ 976,783	51.2	549	$ 968,022	57.1
500 to 999	280	148,417	7.8	430	228,413	13.5
100 to 499	54,000	332,247	17.4	11,521	345,222	20.4
Less than 100		451,184	23.6		153,154	9.0
Total	54,739	$1,908,631	100.0	12,500	$1,694,811	100.0

[22] Compiled from reports filed in the office of the Clerk of the House.

[23] Separate reports of contributions were filed in the office of the Clerk of the House by most of these finance committees.

[24] Data from reports filed in the office of the Clerk of the House, except number of contributors to the Democratic National Committee. For this information the writer is indebted to Mrs. Mary C. Salisbury, the comptroller. In both parties the number of contributors is estimated from the receipts issued, with "repeaters" deducted, and is *approximate* only. This table includes *individual* contributions only; group contributions, including transfers from Republican Finance Committees (see Table V) are omitted.

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interesting differences and similarities between the two parties. The number of persons contributing to the Democratic National Committee was four times as large as the number giving to the Republican National Committee, and the Democrats drew more largely from contributors of less than $100. However, both committees received more than half of their contributions from those who could afford to give $1,000 or more. Contributions of $100 to $1,000 played a more important part in the financing of the Republican committee than in the case of the Democrats.

The analysis above is somewhat misleading because of the many large

TABLE VII

DISTRIBUTION BY SIZE OF CONTRIBUTIONS TO NATIONAL COMMITTEES, ONE THOUSAND CLUB, AND UNITED REPUBLICAN FINANCE COMMITTEE OF METROPOLITAN NEW YORK, 1944[25]

Group	*Democratic National Committee and One Thousand Club*		*Republican National Committee and URFC*	
	Amount	*Per Cent*	*Amount*	*Per Cent*
$1,000 and over...	$1,224,283	56.7	$1,648,622	51.5
500 to 999.....	149,417	6.9	407,258	12.7
Less than 500	786,986	36.4	1,144,152	35.8
Total.....	$2,160,686	100.0	$3,200,032	100.0

contributions made to President Roosevelt's reëlection through the One Thousand Club, and to the Dewey campaign through the United Republican Finance Committee. Table VII, which includes contributions to these organs as well as the national committees, is probably a fairer analysis. From this table it becomes evident that the Democrats leaned more heavily upon contributions of $1,000 or more than the Republicans, but that a larger proportion of the funds of the Republicans represented contributions of between $500 and $1,000. It is unfortunate that contributions of less than $100 cannot be listed separately, for there is reason to believe that the Democrats drew more heavily from the very small contributors than the Republicans. This would become even more impressive if Democratic group contributions, most of which represented

[25] Data from reports filed in the office of the Clerk of the House. Only *individual contributions* are included. Contributions of less than $100 were not summarized in the reports of the United Republican Finance Committee, which made it impractical to group them separately from the contributions of $100 to $500. To have differentiated these two groups would have involved making summaries from thousands of receipts filed.

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small gifts from many people, were included. This should not obscure the fact, however, that large contributors played a more important rôle than in the Roosevelt campaigns of 1936 and 1940.[26]

Although the $5,000 limitation upon individual contributions was scrupulously observed in the case of gifts to the national committees of both parties, there are instances in which gifts to the national committees and closely related organizations exceeded this sum, the total investment of many individuals and families was often greatly in excess, and there were instances in which very large contributions were made to state committees expressly outside the scope of the Hatch Act.[27]

Contributions to the Republican National Committee and the URFC frequently exceeded $5,000: William Nelson Cromwell gave $5,000 to each; Donaldson Brown gave $3,000 to the national committee and an equal amount to the URFC; Helen C. Frick gave $4,000 to the national committee and $3,000 to the URFC. These are but illustrations of a practice which was common among Republicans. In a few instances, gifts to the Democratic National Committee and the One Thousand Club exceeded $5,000. Charles Ulrick Bay, Walter Kirschner, and Harry M. Warner each gave $5,000 to the national committee and an additional $1,000 to the One Thousand Club. Such instances were rare on the Democratic side, but there were instances in which very large contributions were made to state committees. Among them were the following: Marion R. Ascoli, $10,000 to the New York State Committee; Arde Bulova, $10,000 to the New York State Committee; T. F. Courtney, $14,200 to the Illinois State Central Committee; Mrs. E. S. Heller, $10,000 to the Northern California Campaign Committee; Elinor Raas Heller, $9,000 to the same agency; N. W. Levin, $10,000 to the New York State Committee; Mrs. Adele M. Levy, $20,000 to the same agency. Instances in which Republicans gave more than $5,000 to a single agency were rare; their total contributions frequently exceeded this sum, but they were divided among several committees in sums of less than $5,000.

As complete a picture as possible of the total investment in the campaign of the more generous individuals and families is given in Tables VIII and IX. Contributions to the national committees In 1941–43 are included, as well as those to the national committees and other organizations in 1944. The largest individual contributors on the Democratic side were Mrs. Adele M. Levy, $20,000, and Marshall Field, publisher of the *Chicago Sun*, $14,000; the Warner brothers of movie fame contributed

[26] In 1936, 45.4 per cent of the funds of the national committee represented gifts of $1,000 or more; in 1940, 32 per cent.

[27] See Green Committee, *Report*, pp. 151–241, for a complete list of contributions of $500 or more to all political committees of which they had record.

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more than any other family group ($33,500). These gifts, impressive though they be, pale into insignificance when compared with those of the Republicans in Table IX. Once again, Lammot Du Pont may claim the distinction of being the largest individual contributor to the Republican campaign, with a total investment of $39,000. Other individual contributors of $20,000 or more included Harold S. Vanderbilt ($31,000), John D. Rockefeller, Jr. ($22,900), J. Howard Pew ($25,750), and William Nelson Cromwell ($20,000). Again the Du Ponts ($128,000), the Pews ($108,996), the Mellons ($68,500), and the Rockefellers ($67,400) supported the party with great generosity. The eighteen families included in

TABLE VIII

FAMILY OR INDIVIDUAL CONTRIBUTIONS OF $15,000 OR MORE TO DEMOCRATIC ORGANIZATIONS, 1941–44[28]

Name	*National Committee*		*Other Organizations*	*Total*
	1941–43	*1944*	*1944*	
Ascoli, Marion R.	—	—	10,000	10,000
Ascoli, Dr. and Mrs. Max	—	—	1,500	1,500
Ascoli, Mrs. Max	—	5,000	—	5,000
Total, Ascoli family	—	5,000	11,500	16,500
Field, Marshall	—	4,000	10,000	14,000
Field, Mrs. Marshall	—	2,000	6,000	8,000
Total, Field family	—	6,000	16,000	22,000
Heller, Mrs. E. S.	—	—	9,000	9,000
Heller, Elinor Raas	—	—	10,000	10,000
Total, Heller family	—	—	19,000	19,000
Higgins, Andrew J.	—	—	5,000	5,000
Higgins, Mrs. Andrew J.	—	4,000	—	4,000
Higgins, Dawn	—	—	1,680	1,680
Higgins, Frank P.	—	—	5,000	5,000
Higgins, Joy	—	—	5,000	5,000
Total, Higgins family	—	4,000	16,680	20,680
Levy, Mrs. Adele M.	—	—	20,000	20,000

[28] Data from reports in office of Clerk of the House supplemented by Green Committee, *Report*. A much fuller list is to be found in the *Report*, pp. 140–151.

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TABLE VIII—*Continued*

FAMILY OR INDIVIDUAL CONTRIBUTIONS OF $15,000 OR MORE TO DEMOCRATIC ORGANIZATIONS, 1941–44[28]

Name	*National Committee*		*Other Organizations*	*Total*
	1941–43	*1944*	*1944*	
Podell, David L.	—	5,000	2,000	7,000
Podell, Mrs. David L.	—	1,000	4,000	5,000
Podell, David L., Jr.	—	500	1,500	2,000
Podell, Peggy	—	500	1,500	2,000
Total, Podell family	—	7,000	9,000	16,000
Van Clief, Ray Alan	$2,500	5,000	5,000	12,500
Van Clief, Mrs. Ray Alan	—	5,000	2,500	7,500
Total, Van Clief family	2,500	10,000	7,500	20,000
Warner, Albert	—	5,000	—	5,000
Warner, Mrs. Anne	—	—	1,000	1,000
Warner, Mrs. Bessie	—	5,000	—	5,000
Warner, Harry M.	—	5,000	1,500	6,500
Warner, Mrs. Harry M.	—	5,000	—	5,000
Warner, Jack L.	—	5,000	1,000	6,000
Warner, Mrs. Jack L.	—	5,000	—	5,000
Total, Warner family	—	30,000	3,500	33,500

Table IX contributed about three-quarters of a million dollars to the Republican campaign.

The splitting of Republican contributions among many committees is illustrated by Lammot Du Pont, whose gifts were divided as follows:

Republican National Committee	$2,000
Republican Congressional Committee	1,000
Republican Senatorial Committee	2,000
Republican Finance Committee of Pennsylvania	2,827
Maryland Committee	3,087
Republican State Committee of Delaware	3,000
Missouri Republican State Committee	2,830
New Jersey Republican State Committee	2,814
New York Republican State Committee	2,765
New York County Republican Committee	3,000
King's County Republican Committee	3,000
Queen's County Republican Committee	3,000

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TABLE IX

FAMILY CONTRIBUTIONS OF $25,000 OR MORE AND INDIVIDUAL CONTRIBUTIONS OF $15,000 OR MORE TO REPUBLICAN ORGANIZATIONS, 1941–1944[39]

Name	*National Committee*		*Other Organizations*	*Total*
	1941–43	*1944*	*1944*	
Brown, Donaldson	—	$3,000	$13,500	$16,500
Brown, Mrs. Donaldson	—	—	1,000	1,000
Total, Brown family	—	3,000	14,500	17,500
Copley, Ira C.	$4,000	3,000	12,000	19,000
Cromwell, William Nelson	—	5,000	15,000	20,000
Cullen, H. R.	—	2,500	7,500	10,000
Other members of Cullen family	—	7,500	7,500	15,000
Total, Cullen family	—	10,000	15,000	25,000
Du Pont, Irenee	—	—	14,695	14,695
Du Pont, Lammot	8,000	2,000	29,323	39,323
Thirty-one other members of Du Pont family	10,500	22,000	41,814	74,314
Total, Du Pont family	18,500	24,000	85,832	128,332
Flinn, A. Rex	—	2,900	15,000	17,900
Frick, Childs	1,000	1,000	4,500	6,500
Frick, Mrs. Childs	—	—	3,750	3,750
Frick, Helen C.	2,000	4,000	9,500	15,500
Total, Frick family	3,000	5,000	17,750	25,750
Guggenheim, Daniel	1,000	—	—	1,000
Guggenheim, E. P.	—	—	1,000	1,000
Guggenheim, Edmond A.	—	1,000	2,000	3,000
Guggenheim, Mrs. Murray	—	—	5,000	5,000
Guggenheim, Mrs. Harry F.	—	—	4,000	4,000
Guggenheim, N. Robert	1,000	1,000	—	2,000
Guggenheim, S. R.	—	500	8,550	9,050
Guggenheim, Mrs. Simon	—	—	5,000	5,000
Total, Guggenheim family	2,000	2,500	25,550	30,050

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TABLE IX—*Continued*

FAMILY CONTRIBUTIONS OF $25,000 OR MORE AND INDIVIDUAL CONTRIBUTIONS OF $15,000 OR MORE TO REPUBLICAN ORGANIZATIONS, 1941–1944[29]

Name	*National Committee*		*Other Organizations*	*Total*
	1941–43	*1944*	*1944*	
McCormick, Mr. and Mrs. Chauncey	—	1,500	—	1,500
McCormick, Fowler	—	500	—	500
McCormick, Robert R.	—	3,000	3,000	6,000
Patterson, Eleanor	—	—	5,000	5,000
Patterson, Joseph M.	—	3,000	15,000	18,000
Total, McCormick-Patterson family	—	8,000	23,000	31,000
Mellon, Paul	—	2,000	7,000	9,000
Mellon, Mrs. Paul	—	500	—	500
Mellon, Richard K.	3,000	3,000	8,000	14,000
Mellon, W. L.	3,000	3,000	7,000	13,000
Bruce, Mrs. Ailsa Mellon	—	2,000	16,000	18,000
Scaife, Mrs. Sarah Mellon	3,000	3,000	8,000	14,000
Total, Mellon family	9,000	13,500	46,000	68,500
Merrill, Charles E.	1,000	2,000	16,000	19,000
Milbank, Albert G.	500	—	2,500	3,000
Milbank, Dunlevy	1,000	—	5,000	6,000
Milbank, Mrs. Dunlevy	—	—	2,500	2,500
Milbank, Jeremiah	1,000	—	10,000	11,000
Milbank, Mrs. Jeremiah	1,000	—	5,500	6,500
Total, Milbank family	3,500	—	25,500	29,000
Pew, J. Howard	3,000	3,000	19,750	25,750
Pew, J. N., Jr.	3,000	3,000	19,750	25,750
Pew, Miss Mary Ethel	1,500	3,000	16,250	20,750
Myrin, Mrs. Mabel Pew	3,000	3,000	19,250	25,250
Five other members of Pew family	1,500	500	9,496	11,496
Total, Pew family	12,000	12,500	84,496	108,996

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TABLE IX—*Continued*

FAMILY CONTRIBUTIONS OF $25,000 OR MORE AND INDIVIDUAL CONTRIBUTIONS OF $15,000 OR MORE TO REPUBLICAN ORGANIZATIONS, 1941–1944[29]

Name	*National Committee*		*Other Organizations*	*Total*
	1941–43	*1944*	*1944*	
Pratt, Frederic B.	—	—	3,000	3,000
Pratt, Herbert Lee	1,000	2,000	3,000	6,000
Pratt, Mrs. John T.	2,400	—	6,000	8,400
Seven other members of Pratt family	—	500	7,950	8,450
Total, Pratt family	3,400	2,500	19,950	25,850
Rockefeller, John D., Jr.	7,000	1,500	14,400	22,900
Rockefeller, Mrs. John D., Jr.	3,500	2,000	2,500	8,000
Rockefeller, John D. III	—	1,000	2,000	3,000
Rockefeller, Lawrence	—	—	11,000	11,000
Rockefeller, Mrs. Lawrence S.	—	—	1,500	1,500
Rockefeller, Winthrop	—	1,000	8,000	9,000
Milton, Mrs. Abbey Rockefeller	—	—	6,500	6,500
Three other members of Rockefeller family	—	—	5,500	5,500
Total, Rockefeller family	10,500	5,500	51,400	67,400
Sloan, Alfred P., Jr.	3,000	—	13,250	16,250
Sloan, Mrs. Alfred P., Jr.	—	—	9,000	9,000
Total, Sloan family	3,000	—	22,250	25,250
Vanderbilt, Harold S.	1,000	3,000	27,000	31,000
Vanderbilt, Mrs. Harold S.	—	—	1,000	1,000
Four other members of family	—	1,500	3,500	5,000
Total, Vanderbilt family	1,000	4,500	31,500	37,000
Weir, Ernest T.	1,500	2,000	12,843	16,343

[29] See footnote 28, above.

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There were many other instances of this practice: the $22,750 which J. Howard Pew contributed was divided among the Republican National Committee; the Congressional Campaign Committee; the Senatorial Campaign Committee; the Republican Finance Committee of Pennsylvania; the Maryland Committee; state committees in Connecticut, Florida, Maryland, Missouri, New Jersey, New York, and Wyoming; and county committees in New York City. Frequently the favored committee was far from the benefactor's home state. Elizabeth Arden, New York beauty specialist, contributed to the Ohio Republican Finance Committee; A. Rex Flinn of Pittsburgh and James S. Kemper of Chicago gave to the state committee of South Dakota; the Pews of Pennsylvania helped finance state committees in Connecticut, Florida, Maryland, and Missouri; the Indiana and Massachusetts state committees received contributions from Alfred P. Sloan, Jr., of New York; Harold S. Vanderbilt of New York gave to the Oregon state committee. The practice was so common that it raises the question whether there was not a "master plan" behind the distribution of these contributions. In that case, what useful purpose was served by the $5,000 limitation of the Hatch Act?

"Splitting" of contributions was less common among the Democrats, although Marshall Field contributed to the Senatorial Campaign Committee and to state committees in Illinois, Kentucky, and New York, as well as the national committee and the One Thousand Club; and the contributions of the Podell family were divided among the Democratic National Committee, the National Independent Committee for Roosevelt and Truman, the NC-PAC, and the Liberal party of New York.

In the discussion of the size of contributions earlier in this article, it was pointed out that large contributors played a more important rôle in financing President Roosevelt's fourth-term campaign than in 1936 and 1940. Does this mean that Wall Street and "big business," which abandoned the Democratic party so completely in the earlier years of the New Deal, was giving it more support, and that the two major parties were again financed by much the same economic interests?[30] Table X, in which contributors of $1,000 or more to the URFC and the One Thousand Club, as well as to the national committees, are divided according to economic interest does not indicate that such was the case. The further one goes into the financial backing of the two parties the more convincing is the evidence that they received their support from very different groups, with what might even be called distinct characters. The major

[30] For a fuller discussion of this point, see the writer's *Money in Elections*, pp. 161–164 and 194–202; "Campaign Funds in a Depression Year," in this REVIEW, Vol. 27 (Oct., 1933), pp. 776–778; *ibid.*, Vol. 31 (June, 1937), pp. 484–498; *ibid.*, Vol. 35 (Aug., 1941), pp. 722–723.

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TABLE X

DISTRIBUTION BY ECONOMIC INTEREST OF CONTRIBUTORS OF $1,000 OR MORE TO NATIONAL COMMITTEES, ONE THOUSAND CLUB, AND UNITED REPUBLICAN FINANCE COMMITTEE OF METROPOLITAN NEW YORK, 1944[31]

Group	Democrats		Republicans	
	Amount	Per Cent	Amount	Per Cent
Bankers, brokers, financiers	$ 64,000	5.2	$ 275,750	16.7
Manufacturers	98,750	8.1	399,758	24.2
Iron and steel	*47,500*	*3.9*	*109,450*	*6.6*
Autos, trucks, airplanes	*7,500*	*.6*	*46,000*	*2.8*
Food products	*2,000*	*.2*	*83,138*	*5.0*
Chemicals	*2,000*	*.2*	*44,000*	*2.7*
Clothing	*17,000*	*1.4*	*5,500*	*.3*
Other	*22,750*	*1.8*	*111,670*	*6.8*
Brewers, distillers, soft drinks	63,300	5.2	3,000	.2
Oil	53,500	4.4	105,240	6.4
Mining	3,500	.3	62,500	3.8
Public utilities	46,000	3.8	81,000	4.9
Merchants, wholesale and retail	62,500	5.1	51,750	3.2
Contractors, builders, building materials	57,337	4.7	30,400	1.8
Real estate	17,000	1.4	31,000	1.9
Insurance	13,250	1.1	24,500	1.5
Publishers, radio, advertising	42,000	3.4	46,000	2.8
Amusements and the arts	128,750	10.5	8,500	.5
Professions	94,850	7.7	102,300	6.2
Officeholders	117,750	9.6	15,500	.9
Other groups	56,625	4.6	60,916	3.7
Unidentified	305,171	24.9	350,508	21.3
Total	$1,224,283	100.0	$1,648,622	100.0

part of the support of the Republicans (40.9 per cent) came from bankers and manufacturers, while the Democrats, even with the aid of the One Thousand Club, drew only 13.3 per cent of their support from this quarter. The composition of the manufacturing groups was significantly different also. The heavy industries—iron, steel, autos, trucks, and airplanes—were heavy contributors to the Republican side, with food products and chemicals well represented. Substantial support came, also,

[31] In identifying the interests of contributors, *Who's Who in America*, Poor's *Register of Directors of Corporations*, and the directories and telephone books of many cities were used.

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from the textile industries, cosmetics and drugs, and paper manufacturers. Opposition to the 1938 amendments to the Food and Drugs Act, war-time rationing, and grade labeling proposals no doubt explain some of these contributions. Democratic contributions came mostly from manufacturers of consumer's goods, with the garment industry the most conspicuous group. In 1944, the management of the garment industry—as well as the workers—supported Roosevelt.

Aside from the two groups discussed above, the largest Republican support came from oil, professional groups, public utilities, mining, and merchants. More than half the oil money came from Southern interests, with Texas far in the lead. The increase in Republican support from this quarter is interesting and may be significant. Lawyers, many of them identified with corporations, predominated in the professional group, but architects, engineers, and physicians were represented. Apparently the "socialized medicine" bogey was used to good effect among doctors, although, most of their contributions were less than $1,000. Under a single date, the reports of the Republican National Committee listed twenty-eight contributions of $100 or less from doctors at the Mayo Clinic; thirty-six were noted from doctors giving the Doctors' Building, Nashville, Tennessee, as their address. Among the contributions from publishers, the *Philadelphia Enquirer*, the *San Francisco Chronicle*, the *Los Angeles Times-Mirror*, and the *Chicago Tribune* were represented.[32] John A. Hartford, president of the A & P, whose loans to Elliott Roosevelt have been so much publicized, was one of the chain store merchants who aided the Republicans.[33] One name in this group which should occasion no surprise was that of Sewell L. Avery, president of Montgomery Ward.[34]

The Democratic pattern of financial support was very different. Amusements and the arts contributed more than any other single group, with officeholders, the professions, and beverages following in that order. Local movie proprietors and amusement houses, as well as the big motion picture producers, were well represented, and without Hollywood's substantial support the party would have been in a sad financial plight. When one adds to the amount included in Table X the $136,000 raised by the Hollywood Democratic Committee, and the additional amounts given by movie artists to other Democratic organizations,[35] the support

[32] Henry R. Luce, publisher of *Time-Life-Fortune*, who contributed $10,500 to the campaign, gave only to state and county committees.

[33] Mr. Hartford gave $3,000 to the URFC and his wife gave $1,000 to the same organization.

[34] Mr. Avery and his wife each contributed $3,000 to the Republican National Committee.

[35] For example, Frank Sinatra gave $5,000 to the NC-PAC.

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of this group is impressive. In his fourth-term campaign, Hollywood's heart was with Roosevelt. Diplomats, active and retired, were conspicuous among the officeholders, while lawyers were heavily represented in the professional group. Brewers and distillers, who have consistently supported the Democratic party since 1928, were an overwhelming majority in the beverage group. Contractors, builders, and producers of building materials, many of whom had reason to support the Administration because of government contracts, gave 4.7 per cent of the contributions included in Table X. Merchants were even more important on the Democratic side than on the Republican, but for the most part they represented "Main Street," rather than the big chain stores and mail order houses. With the exception of the *Chicago Sun* and the *New York Post*, the newspapers represented among the "publishers, radio, and advertising" were Southern.

A comparison of 1944 contributors with the list of individuals who, in 1943, received compensation for personal services from corporations in excess of $75,000, indicates how much more heavily the upper income groups supported the Republican party than the Democratic.[36] Of approximately 575 persons appearing on the list of large income-tax payers, ninety-seven contributed to the Republican party, only twenty-three to the Democratic. Fifteen of the twenty-three Democrats were associated with the moving picture industry, either as artists or as executives. The above comparison is, of course, only part of the story. As many of the most generous contributors to the Republican party derived their incomes from investments rather than salaries, their names do not appear upon this list.

There are a number of interesting instances in which the same person contributed to both parties. Sometimes the dates suggested a change of political support from the Democratic to the Republican side, as, for example, when John Ringling North, of circus fame, contributed to the Democratic National Committee in 1942 and to the Republican in 1944, and the three Reisinger brothers, real estate operators of St. Louis and New York, each gave to the Democratic National Committee early in January, 1941, but to the Republican in 1944.[37] There were, however, a number of instances in which the contributions were made so close together that the only possible conclusion to be drawn is that the individual thought it well to establish an *entente cordiale* with both parties. Frank Phillips, Oklahoma oil man, gave $1,000 to the URFC in June, 1944;

[36] List of income-tax payers from a copy of the Treasury Department press release dated June 25, 1945.

[37] The following similar instances were noted: James H. Rudd, New York City; I. A. O'Shaughnessy, St. Paul; F. M. E. Schaefer, Brooklyn brewer; John Harvey Victor, Chicago.

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$2,500 to the Democratic National Committee in September, 1944.[38] Mr. Phillips also contributed to both parties in 1936. On almost the same date in October, 1944, Dr. Camille Dreyfus, New York, gave $500 to the Democratic National Committee and an equal amount to the URFC. Again in November he contributed equal amounts to these committees. Irving Geist, manufacturer of ladies' blouses, New York City, made two contributions to the Democratic National Committee in 1944 totaling $5,000, but gave $1,000 to the Republican National Committee late in October.

A visitor from Mars, dropping among us last fall, might well have thought that Sidney Hillman was a candidate for president, running on a Political Action ticket. During the 1944 campaign, the activities of the PAC, under CIO leadership, were widely publicized and subject to close investigation. Under the legislation prohibiting contributions from labor organizations, its expenditures raised some nice legal conundrums.

Although labor's part in the financing of the 1936 campaign had been widely discussed, and the Lonergan Committee had recommended the prohibition of contributions from this source,[39] no action was taken until the summer of 1943, when a wave of anti-labor feeling carried the Smith-Connally "Anti-Strike" Act through Congress over President Roosevelt's veto. The circumstances under which sweeping prohibitions upon contributions from labor organizations were included in this act are discouragingly reminiscent of the addition of campaign fund limitations to the Hatch Act in 1940. Again the provisions were not germane to the main purpose of the bill, which purported to be an emergency measure aimed to prevent strikes in wartime; again the provisions were inserted with little discussion of underlying issues of public policy; again the principle of prohibition was applied without discrimination, the act making it illegal for "any labor organization to make a contribution in connection with any election at which presidential or vice presidential electors or Senators or Representatives . . . to Congress are to be voted for, or for any candidate, political committee, or person to accept or receive any contribution prohibited by this section."

The clumsily drawn legislation presented no barrier to trade unions bent upon throwing their full weight on the side of their chosen candidate.

[38] On almost the same date that Mr. Phillips contributed $2,500 to the Democratic National Committee, his wife gave the same amount to the Republican National Committee. On the records this was first entered as "Mr."; afterwards the "Mr." was crossed out in pencil and changed to "Mrs."

[39] United States Congress, Senate, Special Committee to Investigate Campaign Expenditures of Presidential, Vice-Presidential, and Senatorial Candidates in 1936, *Report No. 151* (75th Cong., 1st sess., March 4, 1937). For a discussion of some of the issues, see this writer's "Labor's Political Contributions," *Political Science Quarterly*, Vol. 54 (Mar., 1939), pp. 56–68.

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In spite of its provisions, organized labor spent more money in 1944 than in any previous election in our history. Gravely concerned over the reactionary trend of the 1942 elections and the "anti-union" attitude of the Seventy-eighth Congress, in July, 1943, the executive committee of the CIO framed a program of political action which was adopted unanimously at the November convention. With very little ingenuity, the money-raising program involved was brought within the limits of both the Hatch and Smith-Connally Acts.

The CIO-PAC was under a central committee of seven CIO union executives, with Sidney Hillman, head of the Amalgamated Clothing Workers, as its chairman. Coördinating the activities of local groups were fourteen regional offices headed by directors responsible to the national headquarters.[40] Closely associated with the CIO-PAC was the National Citizens Political Action Committee, organized in July, 1944, in response to pleas of progressives outside the ranks of organized labor, but sympathetic with its program, to participate in it. The national committee of this organization included such well-known liberals as George W. Norris, Freda Kirchwey, and Frank Kingdon, but its active chairman and guiding genius was Sidney Hillman, its offices adjoined those of the CIO-PAC, and its activities were synchronized with those of the CIO organization. Nevertheless, the separate identity of the two groups was strictly maintained in the field of finance.

The financing of the CIO-PAC falls into two distinct chapters, before and after July 23, 1944. Before the nominating conventions were held, some $647,000 was collected from trade unions. The Amalgamated Clothing Workers, the Automobile Workers, the Electrical Workers, and the Steel Workers each contributed $100,000. These were, of course, general funds not earmarked for political purposes at the time they were received from union members. Somewhat over $478,000 of this fund was spent before it was "frozen" on July 23. The money was used partly for education in terms of the issues and the program agreed upon at the CIO convention, and partly to influence primary contests. None of it went into the final election campaign, but unquestionably the general educational program helped create an attitude favorable to certain candidates.

After the nominations had been made and the CIO-PAC had endorsed Roosevelt and Truman, in strict compliance with its interpretation of the Smith-Connally Act, the trade union funds were "frozen" and the second phase of its financing began. "A Buck for Roosevelt" became the slogan of its appeal to the 5,000,000 members of the CIO. Half of each contribution went to the PAC; the other half was retained in the state or

[40] See Anderson, *Report*, pp. 4–6, and Green Committee, *Report*, pp. 20–24. The organization and operation of the PAC was fully described by Sidney Hillman in his testimony before the Green Committee. See *Hearings*, pp. 5–58.

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locality to finance the work of local political action committees. Some $470,000, raised in this way, was spent for campaign purposes. The NC-PAC solicited contributions from persons outside the labor movement, spending $378,000 in the course of the campaign.

From Table XI, summarizing the receipts and expenditures of these

TABLE XI

RECEIPTS AND EXPENDITURES OF POLITICAL ACTION COMMITTEES, 1944[41]

Group	*Receipts*	*Expenditures*
CIO-PAC		
Trade union account	$ 647,903	$ 478,499
Individual contributions account	376,911	470,852
NC-PAC	380,306	378,425
Total	$1,405,120	$1,327,776

organizations, it appears that trade unionists and their friends spent over $1,300,000 in the campaign—considerably more than the $770,000 spent by labor organizations in 1936.

The rôle of the trade unions in the financing of the 1944 presidential election was widely criticized as contrary to law and sound public policy, and their activities were the subject of repeated investigations by House and Senate committees entrusted with the investigation of the 1944 expenditures. PAC officials vigorously defended their activities as in strict conformity with all legal provisions. The reports of the committees bring out clearly both the futility of the existing regulations and the complexity of the problems involved. Careful study of the experience of 1944 should contribute to a fresh approach, based upon sounder principles of law and public policy.

The large contributions which CIO affiliates made to the PAC posed two puzzling legal questions. The Smith-Connally Act prohibited *contributions* by a labor organization "*in connection with any election.*" Officers of the PAC took the position that inasmuch as these union funds were used before nominations had been made, they were not used in connection with an election, as defined in the Corrupt Practices Act. They were disposed to argue, also, that money spent directly by the unions and not given to candidates or parties was not a "contribution" in the strict sense of the word and, therefore, that the unions could have spent an unlimited amount *directly*, even during the campaign itself. However, in order to

[41] From reports on file in the office of the Clerk of the House. See, also, Green Committee, *Report*, p. 23.

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avoid public criticism and debate on what was clearly a controversial point, they did not press this issue, "froze" these funds after the convention, and depended upon voluntary contributions thereafter. The point, however, is both highly controversial and highly important, for if *direct* expenditures of trade unions are not "contributions" within the meaning of the act, neither are *direct* expenditures of corporations.[42]

The status of the PAC committees also posed some legal conundrums. Union officials argued that these were not "labor organizations" within the meaning of the Smith-Connally Act, as they were separately organized under different sets of officers, and maintained independent treasuries. Nevertheless, the connection between the PAC and the CIO was very close on every level of organization. Sidney Hillman, president of the Amalgamated Clothing Workers of America, an important CIO affiliate, was chairman of both the CIO-PAC and the NC-PAC; the state political action committees frequently utilized the existing mechanism of CIO state councils; and local political action committees were similarly set up as committees of CIO locals. At the national level and in most of the states, financial separation was strictly observed, and at the local level union personnel assigned to full-time PAC work was transferred to the PAC payroll. But when CIO personnel was assigned to the PAC on a part-time basis, it was frequently impossible to distinguish the services which were political and should be charged to the PAC.[43] In California, the separation between CIO and CIO-PAC was never very clearly defined. The state PAC was set up as a subcommittee of the CIO, funds were not separate, and no separate records were kept.[44] After the trade union fund was "frozen," the financial support of the CIO-PAC came from individual trade union members. CIO membership lists were, of course, used in soliciting contributions, and in some instances the "voluntary" character of these gifts was questioned. However, the modest size of the funds raised would indicate that if compulsion was used it was surprisingly ineffective.

Although the political action committee of the CIO was separately organized, and in most cases its separate identity was scrupulously preserved, it is hard to escape the conclusion that it was the *alter ego* of the organization which inspired it. The circumstances under which it came into being, the "interlocking of directorates" at the top, and the close coöperation at the local level all point in that direction. By the simple device of creating such a nominally independent but closely related organization, the trade unions had brought their political activities within the provisions of the Smith-Connally Act.

Although it may be argued that the CIO-PAC was not a labor organiza-

[42] See Anderson Committee, *Hearings*, pp. 3–19, 52–94, and *Report*, pp. 2–6; also Green Committee, *Report*, pp. 22–23.

[43] Anderson Committee, *Report*, pp. 5–6. [44] *Idem.*

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tion within the meaning of the Smith-Connally Act, nor a "political committee" within the Corrupt Practices Act, in the pre-convention period, it clearly became a "political committee," once nominations were made and it had endorsed Roosevelt and Truman. As such, it was subject to the Hatch Act limitations; it could not spend more than $3,000,000 in any calendar year, or receive a contribution of more than $5,000. In 1944, these limitations occasioned no embarrassment, for the combined expenditures of all three CIO funds were less than half $3,000,000, and the $5,000 boys, for obvious reasons, were not throwing their contributions in the direction of organized labor. It should be noted, however, that it would have been possible within the existing legislation for each of the PAC committees—NC and CIO—to spend $3,000,000. By simply multiplying agencies, the trade unions could spend as much, or more, than various Republican agencies spent in 1940—*if* they could get it. It would be possible, also, for a trade union supporter to contribute $5,000 to each of an unlimited number of independent agencies—*if* he had it.

The effect of the Smith-Connally Act, added to previous regulations, may be summarized as follows: (1) trade unions could make contributions or spend directly to influence primary nominations or create a climate of opinion favorable to presidential or vice-presidential aspirants in the pre-convention period; (2) once nominations were made, labor organizations as such could *not* contribute to political funds, but political committees operating under trade union aegis could raise money from trade union members and spend this money for political purposes; (3) such committees were "political" committees within the Corrupt Practices Act and subject to the limitations of that act; (4) in 1944, labor's financial plans were too modest to be affected by either the $3,000,000 "ceiling" or the $5,000 limitation upon individual contributions, but a more ambitious money-raising campaign could have been kept within the limits of existing legislation by the device of creating a number of independent agencies. In 1944, the legislation forced the trade unions to make only one important change in their money-raising plans; after the conventions they could not make contributions from *trade union treasuries*, but were dependent upon individual gifts of union members and their friends. It is, of course, more difficult and more expensive to raise $1,000,000 in $1.00 contributions from 1,000,000 CIO members than to raise the same amount in $5,000 contributions from the funds of trade unions. But it is not impossible. Once organized labor has decided that it must play the political game, it will find ways and means to collect the funds to play it vigorously and effectively. The clumsy prohibition of 1943, drawn with scant attention to existing legislation, is no barrier.

If the framers of this prohibition hoped to "hamstring" labor's political activities, they failed in their effort. They did, however, add a provision which may well make it more difficult for us to determine labor's rôle in

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political campaigns. Under existing publicity provisions, the names and addresses of those who contribute $100 or more to a political committee must be filed with the clerk of the House; contributions of less than $100 are reported in a lump sum. The $5,000 contributions from labor organizations would, therefore, be itemized, but the small contributions of individuals would not. Hence, it would be possible for trade union members as individuals to contribute unrevealed amounts to a variety of political committees without violating the law and with no public knowledge of such gifts. Under these circumstances, we might well know less about labor's stake in the campaign than about the contributions of those identified with corporations. For while the large contributions of the Pews and the Du Ponts stand out upon the record, dollar gifts from trade union members do not. That we have a reasonably complete over-all picture of labor's activities in 1944 must be credited to the investigating committees of the House and Senate, which put together the various pieces of a jig-saw puzzle. The work of these committees served the dual purpose of giving the voters valuable information about labor's rôle in the campaign and of clearing labor of false charges which were levelled at it by its enemies. The very fact that these investigations, as well as those of the Dies Committee and the FBI, forced the political action committees to "operate in a gold fish bowl" was as important a safeguard to the unions as to the public.

Our experience with the limitations of the Hatch and Smith-Connally Acts demonstrates conclusively that present limitations do not limit and present prohibitions do not prohibit. Both the House and Senate committees charged with investigation of expenditures in the 1944 campaign stressed the shortcomings of existing regulations and the need for thorough revision.[45] The House Committee limited itself to the suggestion that "resort to prohibitions backed by criminal penalties as a primary sanction of course presupposes a broad base of agreement on the part of the reputable citizens in both major parties with respect to the practices deemed disreputable and intolerable, and on that basis treated as crimes," and recommended "further and comprehensive exploration," especially of the growing activity of non-party organizations.[46] The recommendations of the Senate Committee, however, are clear-cut and sweeping and stress a new approach to the problem. The most radical of its suggestions is that we eliminate the present ceilings and rely upon "intelligent and continuous publicity" as a corrective.[47] As it emphasizes throughout its study, the existing ceilings not only are ineffective, but have encouraged decentralization of the collection of funds, the growth of irresponsible, non-party agencies, and resort to many questionable practices.[48] Really effective pub-

[45] Anderson *Report*, p. 12; Green *Report*, p. 80.
[46] *Report*, p. 12.
[47] Green Committee, *Report*, p. 82.
[48] *Idem.*

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licity would be encouraged by the establishment of a central depository charged with responsibility for introducing uniform methods of reporting, as well as compilation and publication of statements, and by organizing the Special Committee on Campaign Expenditures as a subcommittee of the Committee on Privileges and Elections, charged with continuous observation of campaign finance.[49] On the moot question of political expenditures by trade unions, the Committee could not agree. Senators Ball and Ferguson recommended the prohibition of expenditures, as well as contributions, by corporations, banks, or labor organizations.[50] The majority of the Committee, however, argued that such a recommendation was inconsistent with its general theory that reliance should be placed upon publicity rather than prohibition, and wisely emphasized the need for further consideration of the political rôle of labor unions before action is taken.[51]

In stressing publicity rather than prohibition as our guiding principle, the Green Committee has made a great contribution to a sound approach to the vexed problem of the regulation of campaign funds. It is to be hoped that this principle will be followed when the task of revision is undertaken. The prohibitions upon contributions from labor unions is part of an emergency measure which lapses with the end of the war and the occasion should be seized for a thoroughgoing revision and codification of the legislation governing campaign funds. In the meantime, important issues of public policy as well as issues of law need to be clarified. We must decide whether to rely upon publicity or prohibition.

Labor's decision to take a more active part in politics raises particularly vexing problems. It cannot be solved by condemning such activity and reaching for the axe of prohibition. It must be solved with due regard to the importance of the group in our present-day social structure, and due recognition of the multiple-purpose character of the trade unions. It is equally important for the trade unions to recognize that responsibilities to their membership and to the public inevitably flow from their political activities. It would be sound common sense for labor to take the initiative in framing a comprehensive campaign-fund publicity law. It has nothing to lose and much to gain from full publicity of political contributions. For the record is bound to show that the people on labor's side are paying their own political bills with dimes and dollars. If they pay their own bills, they can write their own platform, which is the only sound basis for a "people's" party. To take the initiative in drafting legislation which frankly recognizes that responsibility must accompany power would be statesmanship of a high order—convincing evidence that organized labor has grown up to its new responsibilities.

[49] Recommendations (2) and (7), pp. 81 and 82.
[50] *Report*, p. 83. [51] *Ibid.*, pp. 83–84.

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PUBLIC ADMINISTRATION

THE UNIVERSITIES AND THE PUBLIC SERVICE

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The current slump in the number of university students taking courses in public administration suggests that this is a good time to reflect on what form education for the public service should take after the war. It is highly probable that many university students will again undertake to prepare themselves for jobs and careers in government, despite an inevitable reduction in the number of federal employees. Educational assistance to veterans may, in fact, cause a large and sudden increase in the numbers attending colleges and universities with an eye to a government job after graduation. I should like to discuss the kind of education which should be offered such students after the war, whether or not they are veterans. My comments are directed primarily toward undergraduate instruction. The advanced work on administrative theory and problems carried on by graduate faculties and candidates for the Ph.D. is a separate subject.

Basically, the problem of education for the public service involves two questions. First, what are the most important demands which the public service makes upon the individual? Second, how can the universities contribute most to developing the qualities needed to meet these demands?

The demands which the public service makes upon the individual are many and varied. They cannot all be anticipated in advance; and if they could be, there would not be time in the university to give specific training for meeting all of them. Thus some determination must be made as to the kind of demands that are most important. Such a determination was, in fact, being made before the war by university faculties teaching public administration and political science. Students preparing for the public service were being asked to spend an increasing amount of time in the study of techniques, procedures, and skills currently in use in governmental practice. Most prominent among these were personnel management, budgetary and fiscal administration, accounting, statistics, government procurement practice, office management, and similar subjects. Since the study of these subjects left less time for other things, it may be presumed that they were being widely accepted as the more important things which a government official, in his capacity as an administrator, should know. Evidently it was believed that the most important demands upon an administrator fell in the area of knowing how to handle personnel

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changes, prepare budgets, buy supplies, keep accounts, and otherwise meet the detailed requirements of government procedure.

I do not believe that these are the most important demands upon those in administrative positions. My observations during the past several years in the Department of Agriculture convince me that a good administrator is valued for abilities, attitudes, and capacities which are largely apart from any particular technical skill in manipulating figures or processing forms. I have in mind persons in positions which give them some opportunity to exercise administrative or executive functions, as distinguished from the research worker on the one hand or the government clerk on the other. The university-trained research specialist who goes into government presents a separate problem on which I shall comment later. I assume that it is not the function of a university to train clerks.

The abilities which enable a man to stand out in governmental administration and to exercise influence on policy matters, either at a low or a high grade, are difficult to define precisely. They include such things as initiative and resourcefulness; exercise of good judgment; the ability to grasp a problem and suggest a workable approach to its solution; the ability to read discriminatingly and to write well; an appreciation of the limitations on administrative action in a democracy; an understanding of the present rôle of government (including administration) in society in terms both of historical evolution and of a realistic approach to political action. This is incomplete and somewhat crude, but it may indicate the qualities which tend to contribute to executive ability, on a large or small scale. In a broad sense, they are the qualities one should expect to find in an educated person who also has some special acquaintance with the nature of political institutions. The importance of these qualities to the working administrative official, minor and major, can perhaps be made more clear by exploring briefly their application as I have observed them.

With respect to initiative and resourcefulness, there is no question that good administrators value a person who will take hold of a problem and come up with a suggestion without being specifically asked to do so. The cautious administrator, with a deep-set "don't rock the boat" psychology, will not; but the universities should not aim to produce public officials who adapt themselves well to poor administrators. In fact, accomplishment (and recognition) in the public service is sometimes a matter of skillful circumvention of obstinate or immobilized immediate superiors. This may be poor administration in the military sense, but it contributes immeasurably to good government every day. In this sense, "skillful circumvention" means ability to see the job to be done and to get a useful proposal before a person with authority and sympathetic interest, even though an immediate section or division head may be indifferent or hostile. From the educational standpoint, my observations along this line lead me to believe

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that the universities should prepare students for the public service by endeavoring to cultivate independence of judgment, resourcefulness, and initiative in dealing with problem situations. Gradations in authority are necessary to organized human activity, but I sometimes think that the prevailing emphasis on lines of authority, military organization, responsibility, etc., in our public administration courses has been taken too seriously by new graduates. If university graduates come to government with their sense of hierarchy better developed than their resourcefulness, they and the public service are likely to stagnate.

The ability to grasp and think through a specific problem without getting lost in all the side issues is not common in lower administrative positions. It is an ability which university education can do much to develop, and to which the universities can make a relatively much more important contribution than they can to procedural instruction. Involved here is a sense of relative importance, the ability to distinguish the significant from the trivial, which a good liberal education does much to develop. Problem-solving is perhaps the essence of the executive function. Good administration is largely a matter of devoting energy to the solution of important rather than trivial problems. Hence university education for the public service should enable the graduate to identify important problems and should equip him to attack them intelligently. A well-rounded knowledge of the society in which he lives and of the political tradition of which it is a part will go far toward enabling the young bureaucrat to determine what is important among the myriad pressures which a government department generates from day to day. A tempering philosophy of life plus the essentials of sound reasoning—logic, if you will—will equip him to tackle the important questions competently. Without the philosophy, he will develop tensions which thwart the use of reason; without logic, he will be unable to distinguish the application of prejudice and personal preference from objective judgment.

The ability to read with understanding and to write well enough to make oneself understood is a daily demand upon administrators and executives, big or little. Nowhere more than in bureaucratic memoranda and letters is the ability to pick out the verbal gloss and pitfalls more vital. Unfortunately, a great many university graduates, including those in public administration and political science, come to government jobs without either the ability to read well or to write clearly. I doubt whether there is a bureau in the Department of Agriculture, or any other Federal agency, that does not wage a continuing battle for clarity and brevity in memoranda and letters. The man-hours and money devoted to rewriting on this account (aside from policy rewrites up the line) is tremendous, and a good writer is a great asset to any organization. The success of a number of former newspaper men in the Federal service is undoubtedly a partial

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reflection of the importance of an ability to write well. The universities have not done a particularly good job of teaching students to read and write, as far as I have observed, and I believe it should be given much more attention in the future. Among other things, I suggest that good written and spoken English be required in all courses and not be regarded as the exclusive province of the English departments.

While on the general subject of reading and writing, it may be in order to mention a contagious malady in the Federal service—the tendency of those in responsible positions to lose interest in everything beyond the limits of their particular jobs. This happens to a remarkable extent in Washington, and it is not a war phenomenon alone. The bureaucracy develops pressures which, at best, tend to engulf the individual and absorb his every waking thought. He commonly feels compelled to take work home every evening and on the week-ends. He eats, sleeps, and lives his job.

Self-sacrifice is admirable, but the government service and the public will profit in the long run if those who enter upon government careers come with interests and habits—especially habits of reading—too deeply instilled by their educational experience to be readily erased by such pressures. There has been too much hustle and bustle in Washington and too little time for thought. This will continue, in all likelihood, after the war. But we shall have more intelligent administration of our public agencies over the years if those who come from the universities demand and take time outside the office to relax, to read, and to think on matters beyond the office crisis of the moment.

My contact with young graduates since coming to Washington leads me to believe that the schools endeavoring to train future administrators have conspicuously failed to impart to their students a proper sense of the limitations on administrative action in a democracy. This has two aspects. One is the failure to appreciate the political *milieu* within which decisions must be made—i.e., a failure to grasp the very spirit of democratic control. I believe our curricula in public administration have contributed to this through their otherwise admirable emphasis on economy and efficiency. As one writer has pointed out, this has given rise to an unfounded belief in rationalism in government business. As objectives, economy and efficiency are excellent. But when they become unwavering guides to conduct, without proper tolerance for legislative and public demands, they give rise to frustration and bitterness. The fledgling bureaucrat sees "obvious" reforms which are not put into effect for "political" reasons and feels that such things should not be. Maybe they shouldn't, but a tempering confidence in the over-all advantages of democratic procedures will go far to prevent disillusionment, on the one hand, or a too great longing for authority to put his ideas into effect, on the other. The

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colleges and universities, crusading against graft and incompetence, have perhaps oversold efficiency and economy while giving a decreasing amount of attention to political philosophy.

A second, and less obvious, aspect of the failure to give students a sense of the limitations on administrative action is the general lack of understanding among new graduates that a large administrative organization is controlled to a surprising extent by *internal* democratic forces. We have taught students of administration that the model of administrative action is the army—with orders from the top down and obedience from below. This may be the abstract concept of administration, but many are the seemingly "desirable" actions which are not taken because someone, or some group, *down* the hierarchy would not like it. Key men are antagonized at the peril of losing them, and bad feeling among employees can slow up an organization in the most important spots. In a civilian organization we are dealing with free men and women—free to find new jobs, to say what they like about the boss, to organize dissent, to mope. They can be fired, but if bad feeling is general, discharge is both ineffective in practice and unsound in theory. People who devote their adult lifetime to a job have a right to satisfactions, respect, and attention for their reasonable desires which goes well beyond what they have enjoyed in the past, but which they are demanding with increasing effectiveness. Nevertheless, our schools of public administration and departments of political science continue to turn out would-be government officials who visualize an administrative organization precisely run from the top down. Without always appreciating the personal advantages of having it otherwise, they become bitter when their favorite recommendation for administrative improvement gathers dust because "the time isn't ripe." There is something involved in running an organization composed of free men with opinions that has not found its way into our teaching of public administration.

To say that graduates should have learned more about the limitations, external and internal, on administrative action does not mean that the will to substitute good for bad should go undeveloped. On the contrary, exercise of the powers of government calls for moral standards of the highest order. In making decisions, the temptation to place personal advantage over and above the public welfare and fairness to fellow-workers is omnipresent. Public agencies are not unique in rewarding those who follow the path of least resistance, and the resistances to those who insist on honesty and justice can be substantial. In this respect, the public service is not likely to rise much above the moral level of the society it serves.

The problem of balancing ethical standards against survival is one of the great unsolved questions of public administration. The universities have dealt with it largely by ignoring it. Socrates told the men of Athens some centuries ago that "he who will really fight for the right, if he would live even for a little while, must have a private station and not a public

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one." The public service today remains precarious for crusaders. But unless we are to deliver the public business over to sheer opportunists, those who plan to make careers in government must come with moral standards and the courage of their convictions. The compromises they may have to make should at least be enlightened. Moral principles are a part of our intellectual heritage, and hence the universities have an obligation to impart to their students an understanding of what they mean. For those who are concerned with public administration to close their eyes to the moral stresses of the public service, or to assert that such things are no concern of the universities, is to ignore one of the vital contributions which the universities can make to government in modern society.

The general goal of education for public administration has been aptly described as the development of "the administrative generalist." I take this to mean a person able competently to exercise administrative or executive functions in a government agency, whatever its substantive responsibility. The development of the traits necessary in such persons should continue to be the goal, but some shifts in emphasis are needed if the universities are to approach it more closely.

As was said at the outset, a common approach to educating the future "generalist" has been to supply him with information about governmental processes and operating problems which are common to all administrative agencies, such as budgetary and fiscal administration, personnel administration, procurement procedures, etc. An important result of this has been to produce students best suited for the staff offices, which devote their major energies to such matters. My observation of the Federal service, including the Department of Agriculture, has been that relatively few persons trained in public administration have found their way into the line or action agencies, such as the Forest Service and the Soil Conservation Service, or into research agencies such as the Bureau of Agricultural Economics and the Agricultural Research Administration. Consequently, courses of study in public administration have tended to become vehicles for vocational training in the skills which staff offices require. The further we go in this direction, it seems to me, the further are we likely to miss the goal of providing the kind of education which those who actually administer government programs most need. The contribution of the universities and colleges would be far greater if the time now spent on the study of the specialized processes mentioned above were devoted to a course of study which would add to the abilities and capacities outlined earlier.

The fact that few of those occupying administrative positions in the operating and research agencies have seriously studied public administration or government is part of a more general problem which is currently attracting some much-needed attention. The personnel of these agencies is recruited almost entirely from the college and university departments which provide technical training in the speciality involved, whether

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it be forestry, chemistry, engineering, economics, or social service. Few of these people get any exposure to the study of government, or to other elements of a liberal education, above the most elementary level, although the channels in which they can employ their specialties may be very largely governmental. Some good administrators emerge from this process, but this is no justification for sending into the public service men and women who are inadequately equipped to deal intelligently with the political, economic, and social questions of the day.

Several of the land grant colleges, from which the Department of Agriculture recruits much of its staff, are currently reëxamining their curricula with an eye to giving their students a general education as well as making of them good technicians in their respective fields. The president of one of these schools recently commented that the colleges have an obligation to avoid turning out graduates who are experts in one field and dogmatists in all others. If this point of view were to become widespread among the colleges and universities sending their graduate specialists into government jobs, and be reflected in what they teach, it would make an immeasurable contribution to better public administration. A tempered and open-minded attitude toward the issues of the day—political, economic, and social—is the *sine qua non* of enlightened administration. It is, of course, the essence of useful participation in a democratic society. The point here is that tolerance, as contrasted with dogmatism, is doubly vital in those who wield the influence of government in that society. Hence those who are concerned with preparation for the public service have a legitimate and substantial interest in the curricular changes at such schools as Michigan State College, the University of Florida, and Kansas State College, where the training of specialists in mechanical and agricultural arts has been, or is being, tempered by exposure to some of the elements of a good general education.

In brief, education for the public service is to a large extent a matter of reaching the technicians and specialists who find a major outlet for their skills in government jobs. Formal training in public administration has barely touched this group in the past, and there is serious question whether the type of curriculum which has dominated such training would have added greatly to their capacity for enlightened administration. In any case, those interested in the educational side of public administration have neglected one of the most basic parts of their job—the education of the great number of public servants who never go near a course in government during their college days. I do not believe, however, that imposing a "course" in government or administration on a purely technical education is the proper solution. The problem is no less than a matter of ensuring that college and university graduates have a truly adequate general or liberal education before they take up the specialty through which they

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expect to earn a living. This would include acquaintance with the political history, institutions, and ideas of Western civilization. The need for a liberal education is equally great whether graduates enter private or public employment, but the social consequences may be greater if they rise to high positions in government without it. The obstacles to be overcome are substantial, but those concerned with securing more enlightened public administration will do well to devote much more attention than in the past to the education of those technicians and specialists who may or may not enter the public service.

Because most of those now holding administrative positions entered government through technical or professional channels, neither a liberal education nor the study of political science has been held in particularly high regard in Washington. With some exceptions, a degree in political science has been no great asset to applicants for lower grade administrative jobs. The general feeling, in so far as one can put his finger on it, is that it doesn't teach the student "to do anything." This is the common criticism of liberal or non-vocational education, with a bureaucratic slant. The political scientists have tended to take the defensive. They talk more of "redefining the rôle of political science" than they do of selling the merits of their product to those who control governmental hiring policies.

As a matter of fact, my experience leads me to believe that one of the most valuable assets which the university-trained person in an administrative position can have is an understanding of the ends of political action and the nature of political institutions—the kind of understanding that the study of political science under competent guidance ought to develop. This is not my opinion alone. One outstanding career man in the Federal service often speaks of "the political science viewpoint" when discussing younger men in government. Without attempting to define precisely what he means by this phrase, I am sure that he has in mind a breadth of understanding of how government works that goes far beyond knowledge of specific administrative procedures and processes. This is a kind of understanding which can be achieved only by study of political institutions, of human nature in politics, and of political thought. The importance of this familiarity with the workings of government in our own and earlier times, and of being conversant with currents of political thought, emerges in the ability of the individual to relate every-day problems, policy proposals, and political issues to the evolutionary chain of events and thought out of which they arise. The person with this ability is the true administrative generalist. The study of political science can have a tremendous value in the public service—value to the individual as a basis for the exercise of better judgment, value to the public as a protection against the untempered action of officials without political perspective.

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THE UNITED NATIONS: PEACE AND SECURITY*

I. THE CHARTER ADOPTED AT SAN FRANCISCO

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The Charter of the United Nations, signed at San Francisco on June 26, 1945, was the culmination of long and wide preparation. It is to be doubted whether any international instrument, or perhaps any human document, had ever before undergone such wide popular scrutiny, such intensive expert study, and such democratic procedure of adoption. It seems to be accepted, too, that in no country were preparatory studies undertaken upon so large a scale as in the United States.[1]

At the Dumbarton Oaks conversations, each of the four states there represented offered the results of its studies in a plan submitted for consideration; and these, as the result of previous comparison of views, varied little in their fundamentals. The United States plan had been submitted

* A symposium planned and arranged by Clyde Eagleton, New York University and Francis O. Wilcox, University of Louisville.

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[1] See the *Report to the President*, Department of State Publication 2349 (June 26, 1945), pp. 20–21. A note is here added concerning the group which did the actual work of preparation, and who deserve more credit than was given them in this Report.

After some unorganized work, dating from 1939, the Division of Special Research was created in the Department of State in February, 1941. As the work developed, this Division became two: the Division of Political Studies and the Division of Economic Studies. There was also a Division of Territorial Studies, which carried on a parallel and coöperative endeavor. In the reorganization of January, 1944, the Division of Economic Studies disappeared and the Division of International Security and Organization carried on, with Territorial Studies alongside it. In the reorganization of December, 1944, the Office of Special Political Affairs was created, containing within it three divisions: International Organization Affairs, International Security, and Dependent Areas. This organization of the work continues, though doubtless it will now need to be reorganized so as to perform operating functions rather than research.

Many teachers of political science were called from their universities to plan the new international system, since the Department of State had practically no one on its staff trained in the field of international organization. Among these were Margaret Ball (Wellesley), E. H. Buehrig (Indiana), Ralph Bunche (Howard), E. P. Chase (Lafayette), André Cordier (Manchester), E. M. Earle (Princeton), Clyde Eagleton (New York), Dorothy Fosdick (Smith), B. H. Gerig (Haverford), Grayson L. Kirk (Columbia), Walter Kotschnig (Smith), Norman Padelford (Fletcher), Llewellyn Pfankuchen (Wisconsin), Lawrence B. Preuss (Michigan), H. Reiff (St. Lawrence), W. R. Sharp (City College), Harold Sprout (Princeton), Ivan Stone (Beloit), B. H. Williams (Pittsburgh), Bryce Wood (Swarthmore), and Quincy Wright (Chicago). Various others went to other parts of the Department of State.

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to the three other Governments on July 18, 1944. Since it was in constitutional form and in more detail, it became the basis of further development, although all four plans were thoroughly discussed and parts of all were included in the final Proposals.

The Dumbarton Oaks Proposals were intended as a preliminary outline of ideas for the new organization, and were at once published for the study and criticism of the world. Thousands of letters poured into the Department of State, most of them having only the value—though this was important—of indicating a viewpoint. Scholars and organizations sent in or published detailed criticisms and suggestions, all of which received careful study. Comments were invited from the other members of the United Nations, and most of them responded. Such responses were studied with special care, and many of the amendments proposed were ultimately incorporated into the Charter.

Meanwhile, in accordance with an understanding reached at Dumbarton Oaks, a Committee of Jurists—really an international conference, with delegates from forty-four states—met at Washington from April 9 to 20, 1945, to consider revision of the Statute of the Permanent Court of International Justice. This was a technical, rather than a policy-making, group; and its report was presented to Committee IV/1 of the Conference.

The United Nations Conference on International Organization assembled at San Francisco on April 25, as had been agreed at Yalta. It was a large conference, stretching the facilities of that hospitable and interesting city. In all, 282 delegates, representing fifty states, attended, and with their staffs they amounted to 1,726 persons officially working for their states. The International Secretariat, mostly recruited from the United States, numbered 1,058 persons. A total of 2,636 newspaper, radio, etc, representatives were present, and it required the aid of 2,262 Army and Navy boys and girls, 800 AWVS, 400 Red Cross, and 800 Boy Scouts—not to mention 188 telephone and telegraph operators—to service the Conference. The average daily output of documents was about half a million sheets of paper, and on one day 1,700,000 sheets were issued and distributed; seventy-eight tons of paper were used. The total cost of the Conference, aside from expenses of delegations, was some two million dollars, paid by the United States as host.

The Conference itself was over-organized. It held plenary sessions, which were formal meetings for speech-making and confirmatory votes, only at the beginning and the end. There were four Commissions, divided into twelve Committees;[2] a Steering Committee, Executive Committee,

[2] The Commissions and Committees were as follows:

Commission I: *General Provisions*

Committee I/1: Preamble, Purposes, and Principles

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and meetings of Heads of Delegations; a Coördination Committee and a Committee of Jurists; and last, though not least, the informal meetings of the Big Five in the penthouse apartment of Mr. Stettinius atop the Fairmont Hotel on Nob Hill. The Commissions do not seem to have served any useful purpose; indeed the honorific jobs thereon took away good men who could have been more useful as officers in the Committees where the actual work was done. The Coördination Committee, whose viewpoint was non-legal, struggled with the exasperated Committee of Jurists in the final drafting. It is believed that the Conference could have done as well without the Commissions, with only one instead of two drafting committees, and with only one instead of two executive bodies (Steering and Executive).

Nevertheless, in spite of size, speechmaking, disagreement, over-organization, and delays while the Big Five made up their minds, there was an obvious will to achieve, and there was never doubt on the part of anyone that the Conference would succeed. It made progress steadily and without serious incident or friction; and the Charter, drafted into final shape and put into five languages by incredibly long hours of work, was ceremoniously signed in the auditorium of the Veterans' Building on June 26, at ten-minute intervals, by the delegates of fifty states—with a space left for the signature of Poland. It is to come into force when ratified by the Five Powers and by a majority of the other signatories.[3]

The Charter signed at San Francisco is a wordy document, considerably longer than most constitutions. Its bad drafting is due in large part to the suspicion with which the Four Powers, and particularly the Soviet Union,[4] looked upon any attempt to change the ideas, or even the wording,

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I/2: Membership, Amendment, and Secretariat

Commission II: General Assembly

Committee II/1: Structure and Procedures
II/2: Political and Security Functions
II/3: Economic and Social Coöperation
II/4: Trusteeship System

Commission III: Security Council

Committee III/1: Structure and Procedures
III/2: Peaceful Settlement
III/3: Enforcement Arrangements
III/4: Regional Arrangements

Commission IV: Judicial Organization

Committee IV/1: International Court of Justice
IV/2: Legal Problems

[3] On August 8, 1945, the United States deposited its ratification of the Charter, being thus the first state formally to accept the instrument.

[4] The Russian attitude was due partly to inability to make changes without reference to Moscow, partly to a purposed technique of negotiation and to language difficulties, and partly to suspicions of the motives of other states which, in the light

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of Dumbarton Oaks. The desire of each nation to have some of its ideas included made it repetitious, and the necessity of compromise language for some of these ideas made it more vague. The number of hands through which it passed also contributed to this result. Finally, the fact that the Conference was dominated by individuals inexperienced in international organization and more interested in political security than in legal order or constitutional form led to novelties in drafting which will arise later to plague those who must interpret the Charter.

The arduous efforts of the Coördination Committee and the Advisory Committee of Jurists in the last days, and even the last minutes, of the Conference improved the Charter greatly over its earlier form; and undoubtedly the instrument which the Conference produced was a great advance over the Dumbarton Oaks Proposals. It added provisions concerning international law and treaties (which had been forgotten earlier), trusteeship, and other matters; it clarified the procedure of voting and of pacific settlement; it greatly strengthened the General Assembly, the Court, and the Secretariat; it widened, both institutionally and functionally, the activity of the Organization in the economic, social, and humanitarian field; it included such phrases as human rights, fundamental freedoms, full employment. The changes were not always improvements: the transfer of the paragraph concerning domestic questions to become a general principle affecting the entire Charter was a tragic step backwards from the Covenant or the Dumbarton Oaks Proposals; and the Charter leaves uncertain to what extent a settlement of a dispute can be imposed upon the parties by the Organization.

The Charter, as a constitution, is long, repetitious, and involved. It contains two articles stating the Purposes and Principles of the United Nations in terms more like a preamble than a treaty text.[5] While somewhat novel, these articles furnish useful guides, both legal and popular, as to the meaning of the Charter and the intentions of its makers. The system outlined in the Charter bears a superficial resemblance to the League of Nations, but is different in concept and character, as will be seen in this series of essays. Membership is not automatic, as some would have liked, but open to peace-loving states which the General Assembly, by a two-thirds vote and provided the Security Council agrees, regards as able and

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of past experience and of certain happenings at the Conference (e.g., the admission of Argentina), had some justification. Nevertheless, the Soviet Government made as many concessions as did the United States.

[5] In order to placate certain delegates whose amendments had been diverted to the Preamble, Committee I/1 asserted that the Preamble is of as much legal validity as the text itself. The question of *travaux preparatoires* thus raised appears elsewhere, perhaps most importantly with regard to the right of withdrawal. See note 6 below.

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willing to carry out the obligations of the Charter. The Organization has a more universal character than did the League of Nations in the assertion of its right to impose upon non-members its requirements for international peace and security (Art 1, par. 6); and perhaps also in the absence of any mention in the instrument of a right of withdrawal.[6] The amending process is more liberal than that of the League of Nations, but still permits a veto by any one of five states (Chap. XVIII). It should be noted that the Statute is an integral part of the Charter (Art. 92).

The United Nations is founded upon a more narrow base, though possibly a stronger one, than that of the League of Nations. Authority is consciously channeled into the hands of the five great powers, in so far as the Security Council is concerned; and there is little if any authority, in the sense of power to act, provided elsewhere in the Charter. The five powers are arbitrarily assigned permanent seats, and there is no way of changing their position except by their own unanimous agreement, within the procedure of amendment. Their special position is, of course, further reinforced by the voting procedure, and also by Chap. XVII, under which they exercise the security powers of the Council until the agreements for the supply of forces have been concluded, and exercise indefinitely exclusive control over enemy states.

These matters are to be more fully discussed in the articles following this one. Granted the distribution of military and industrial power at the end of the war, the state of public opinion, and the desirability of securing the adherence to the new organization of the two most reluctant and most powerful states in the world, this solution was probably essential, though it was perhaps carried farther than was actually necessary.[7] It is true that the effectiveness of any enforcement action will depend heavily upon three

[6] The Conference solved the withdrawal problem by avoiding it in the text and adopting in committee an equivocal statement that it is the duty of members to continue their coöperation, but that if a member feels constrained to withdraw because of exceptional circumstances, it is not the purpose of the Organization to compel that member to continue its coöperation (*Report to the President*, Department of State Publication 2349, p. 48). It was explained by Dr. Pasvolsky and Mr. Hackworth to the Senate Foreign Relations Committee (July 11, 1945) that withdrawal at the judgment of the member concerned was permissible, but would have to be justified to the world.

This peculiar arrangement raises questions as to the value of *travaux preparatoires* and as to the right to abrogate unilaterally the obligations of a treaty. It should be observed, as a practical consideration, that a member which withdraws would be, as a non-member, subject to control by the Organization for purposes of peace and security, but with no voice in its decisions.

[7] It hardly seems necessary, for security purposes, to have a great-power veto of the admission of a new member, or the choice of the Secretary-General; and while it may seem desirable to a great power to have a veto upon amendments, it is always a dangerous thing to bar change in a constitutional document.

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of these five powers, although it is not, in the opinion of this writer, correct to say that the Organization would be unable to function if one of them were an aggressor. If such a crisis arose, it would mean the equivalent of war, whether or not the Organization took action; and if the United States is to face such a situation, it would be better to face it with such aid as the Organization could give against the aggressor than to build up the opposition slowly and at great cost as was done in the past two World Wars.

It is, however, undoubtedly true that unless states, and particularly the great military powers, have reached the stage of being willing to act in support of the general peace, no security system would work; and perhaps it is desirable to have a stage in which this willingness can be tested. Nevertheless, and however necessary it may now be, the base of the new system is too narrow, and should be broadened as opportunity permits. The smaller states, led by Evatt of Australia, fought strongly at San Francisco to set limits upon unnecessary extensions of the control of the five powers, and did make some improvements over the scheme adumbrated at Dumbarton Oaks. It is inevitable, and desirable, that this struggle continue.[8]

The principal organs of the United Nations are a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat. It should not be assumed that the three Councils are subordinate to the General Assembly, though there is some evidence for such a view, and development in this direction is not improbable. At present, the situation would seem rather to be that there are two chief functional organs: one, the Security Council, for the maintenance of international peace and security; the other, the General Assembly, with some degree of control over all other organs, for coöperative endeavor in all fields of international activity. The former has potentially vast authority and power within its field; the latter depends almost entirely upon the voluntary action of member-states. It may be, too, that other councils will be added in the future.

The Security Council cannot be regarded as an executive body, such as the Council of the League tended to become. It has one function, and one only; such other powers as are given to it are connected with this function

[8] Mr. Stettinius, after defending the special position of the five powers under the Charter, concluded by saying: "As the peoples and governments gain experience and confidence in world organization in the years ahead, I hope they will learn to apply and adapt to international affairs more of the principles and techniques of democracy. But I believe it would be fatal to this hope if we were to attempt now to go beyond what the nations are clearly ready to undertake today. The Charter affords full opportunity for later amendments whenever a sufficient majority of the people of the world is ready to go further."

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and with the dominant position given the great powers for this purpose. It plays no part whatever in the performance of the other functions of the United Nations, and has nothing to do with the other organs, except as they may incidentally be related to the function of security.[9]

While the Security Council is thus excluded from other fields than security, the General Assembly may discuss and make recommendations not only concerning the "general principles of coöperation in the maintenance of international peace and security," but also concerning specific disputes (Art. 11). The Assembly, however, can make no recommendation concerning a dispute before the Council (Art. 12)[10] while the Council is exercising its security functions. If the Council is not dealing with the matter, the Assembly has as large a power, i.e., that of recommendation—as does the Council; and it may be suggested that if a veto is used to prevent consideration of a dispute before the Council, the Assembly would then be free to make recommendations, and with no veto to embarrass it in making them. Thus the Assembly should be an important spur to the activity of the Council. It is to be noted also that the Security Council is required to make annual reports to the Assembly upon measures taken by it (Art. 24, par. 3), and that the Assembly is authorized to "consider" these reports (Art. 15, par. 1).

While the Assembly has no legislative power, and no such power to bind members by its decisions as does the Security Council in its limited field, the field of the functions of the Assembly is much broader, the statement of objectives to be pursued is more definite, and its relationship with other parts of the system are more numerous. The General Assembly is clearly the nexus of the system, and exercises supervision, in varying degree, over the three councils, especially over the Economic and Social Council, over the Secretariat, and indirectly over the specialized agencies. The Security Council operates only for crises;[11] the General Assembly has a hand in all the current activities of international life. While for a time the

[9] E.g., the admission of new members, the veto on the process of amendment, etc., some of which were attacked as unnecessary ramifications of the security function.

[10] The dispute concerning the meaning of this provision was answered by the second paragraph of Art. 12 according to which the Security Council, through the Secretary-General, is to notify the Assembly when it is dealing with, or when it has ceased to deal with, a dispute or situation. It is difficult to imagine any language, however, which could prevent the Assembly from expressing its views.

[11] It is, indeed, to be doubted whether it will have enough business to justify the requirement (Art. 28) that it shall be so organized as to function continuously. It will doubtless be able to occupy itself for a time with planning. How soon (Art. 106) it can assume its security functions will depend upon the speed with which the agreements for supply of forces can be made.

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Security Council may engage a larger share of interest, there seems little doubt that the General Assembly is destined to be the preëminent part of the system, especially in view of the vast problems of economic and social reconstruction which lie ahead.

The new system differs from the League of Nations in another important respect. An effort was made, in Art. 24 of the Covenant, to bring all international machinery into one fold. The League sought to persuade older international institutions to become attached to the League, and to require new bodies to do so—though with little success, largely because of the absence of the United States. The United Nations tends rather to decentralization. "Specialized agencies," such as the Food and Agriculture Organization, are contemplated, each an independent unit, based upon a separate instrument. These agencies are to be "brought into relationship with" the United Nations system by agreements separately made with each by the Economic and Social Council with the approval of the General Assembly. Since the members of the specialized agencies will usually be states which are members of the United Nations, it is expected that relationships coördinating their activities can be established, and Arts. 48, 56, and 63 imply this obligation for members.[12]

The procedures for pacific settlement of disputes, and for enforcement measures, or sanctions, are described in the articles below by Professors Goodrich and Fox. Chaps. VI and VII of the Charter form a continuing process, and an admirably flexible one. Emphasis is put upon the obligation and the right of each state to settle its disputes by means of its own choice. Compulsory jurisdiction for legal disputes was rejected, after a close fight; but it should not be overlooked that the United States can accept the Optional Clause of the Statute, as many other states have done. The Security Council can do no more than recommend procedures or terms of settlement; it cannot impose terms of settlement. However—and the difference may not be great in actual practice—the Security Council may at any time determine that a situation has become a "threat to or breach of the peace, or act of aggression" (Art. 39); and from that point on, its authority is great. In arriving at such a decision, the Security Council is limited by no definition of aggression. It is clear that the United Nations Charter is more concerned with the prevention of the use of force than with the establishment of a legal order; and legal philosophers will doubtless continue to debate, in this regard, which should come first, law or order.

[12] The advantages of such a decentralized system have been explained by Dr. Mitrany ("A Working Peace System—An Argument for the Functional Development of International Organization," Royal Institute of International Affairs, 1943), though he carries his argument to an extreme not recognized in the Charter.

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Responsibility for settlement of disputes rests upon the states concerned, but if a dispute or situation is regarded as a threat to the peace, the Security Council has vast and arbitrary power to maintain peace, unrestricted by law or other criteria. How this power will be used, and whether it will be used, will depend upon the willingness of the five powers to exercise the responsibility put upon them collectively; in terms of the United States, it depends upon the extent to which the American people will be willing to use the power of the United States in far-away situations of no direct interest to them. The danger is not so much that the vast authority of the Security Council will be abused, as that it will not be used at all.

Trusteeship, which is broader than, but closely related to, security and peace, was a subject of great difficulty at San Francisco. Like the other parts of the Charter, the trusteeship provisions have a potential value, and whether this value will be realized will depend primarily upon the American people. Their example will be decisive: if they wish trusteeship to be a cloak for imperialism, they can have it so; if they wish to make it an instrument for human advancement, they can equally do so; and in either case, other nations will follow our example.

In general, the Charter of the United Nations provides machinery, states principles, and offers opportunities for collective action; it is not automatic, it solves no problems itself, it merely affords opportunity and means. Sovereign states are still sovereign states; the United Nations is far from being a superstate. The system does not automatically guarantee security to anyone, and whether it will provide peace and human advancement will depend entirely upon the willingness of its members to coöperate toward these ends.

To many enthusiasts, the results of San Francisco will be disappointing. It may be said, however, that the United Nations represents, in most of the comparisons which can be made, a definite improvement over the League of Nations.[13] If it does not go as far as some would like, it goes as far as many others are willing to have it go. The opportunity, the capacity, and the responsibility and duties of states for preventing the selfish use of force[14] between states, including states which are not members, is established by the Charter; but security is not automatic. It will be the constant duty of American political scientists to educate the American people to their new responsibilities in order that the United Nations may become the effective instrument for peace which the people desire.

[13] For a comparison of the Charter with the Covenant, see the *Department of State Bulletin*, Aug. 19, 1945.

[14] The Charter nowhere—except for rhetorical force in the Preamble—makes use of the technical term "war."

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II. THE YALTA VOTING FORMULA

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Toward the close of the San Francisco Conference, Czechoslovakia's Jan Masaryk remarked that his feeling toward the new Charter "was much like that of the father fondly awaiting the birth of a son. The baby finally arrives and it turns out to be a girl. At first the father is somewhat disappointed, but he soon learns to like her just the same." While the delegates as a whole believed that their work would go down in history as one of the great documents of all times, many no doubt shared Masaryk's view. For when a document as comprehensive as the Charter is framed, no one gets exactly what he wants.

The article of the Charter that raised the most controversy at San Francisco and the article that epitomizes the nature of the Organization, perhaps more than any other, is the Yalta formula for voting in the Security Council. So heated did the debate on this issue become that Room 223 in the Veterans Building, where the meetings of Committee III/1 were held, was dubbed the "Madison Square Garden" of San Francisco. The frankness and candor with which the delegates exchanged views constitutes, in many respects, a good example of international democracy in action.

It is the purpose of this paper to review the action taken at San Francisco with respect to the Yalta voting formula and to point out the relationship of that formula to the special position of the great powers in the new Organization.

I. THE STATUS OF THE GREAT POWERS UNDER THE DUMBARTON OAKS PROPOSALS

The framers of the Dumbarton Oaks Proposals were concerned above all with the creation of an organization capable of maintaining world peace and security. They were painfully aware of the lessons of the past. They knew that aggressors act quickly, and that unless those interested in maintaining law and order can act even more quickly, their cause may be lost. They knew that might must be combined with right if right is to prevail.

One of the glaring weaknesses of the League of Nations was an unfortunate division of authority between the Assembly and the Council in the maintenance of peace and security. The Dumbarton Oaks Proposals

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avoided such a mistake by recommending that primary responsibility for that important function be vested in the Security Council of the new Organization. The Council was to be a small agency made up of only eleven members, thus geared to act speedily and decisively in time of crisis without interference from the General Assembly.

Moreover the new Council has teeth. The League Council could suggest, it could advise, it could recommend, but in the final analysis each state decided for itself the extent to which it would back up the decisions of the Council with its armed forces. The Security Council, on the other hand, is given full authority to take decisions relating to the prevention and suppression of aggression which will be binding upon *all* members of the Organization.

It was agreed, of course, that in the execution of its security function the Security Council would have to rely chiefly upon the five great states whose industrial strength and military might had been so successful in the struggle against the Axis. Given the concentration of power in the world, there was no other alternative. Thus the teamwork and the unity which had characterized the United Nations war effort could be utilized in maintaining peace. In keeping with their responsibilities, the five powers were awarded a special status in the Security Council in respect to (1) tenure, and (2) voting procedure.

In respect to tenure, the Dumbarton Oaks Proposals followed the League of Nations example in recommending permanent seats on the Security Council for the five great powers. On the assumption that the maintenance of peace is of concern to *all* states, however, six non-permanent members were to be elected by the Assembly. The great powers would thus be in a minority in so far as numbers were concerned.

In respect to voting procedure, the Dumbarton Oaks conferees could not reach complete agreement, and the matter was postponed until the Crimea conference in February, 1945. There President Roosevelt submitted a formula which was approved by Marshal Stalin and Prime Minister Churchill and was later accepted by China. This formula, in effect, reinforced the special position of the permanent members by assuring them that the Organization could take no important action without their joint consent. It also guaranteed them that, through their control of the amending process, their special position could not be changed unless they collectively agreed to such change.

The text of the Yalta formula, later incorporated as Sec. C, Chap. VI, of the Dumbarton Oaks Proposals,[1] reads as follows: "1. Each member of the Security Council should have one vote. 2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members. 3. Decisions of the Security Council on all other matters

[1] Now Art. 27 of the Charter.

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should be made by an affirmative vote of seven members, including the concurring votes of the permanent members; provided that, in decisions under Chap. VIII, Sec. A, and under the second sentence of Paragraph 1 of Chap. VIII, Sec. C, a party to a dispute should abstain from voting."

According to the interpretation issued by the State Department on March 5, 1945,[2] there are three types of matters on which the Security Council may vote: (1) procedural; (2) quasi-judicial; and (3) political. In each case, a majority of only seven votes is required. If the question under consideration is a simple matter of procedure—such as the designation of a chairman or fixing the date of a meeting—the vote of *any seven members* is sufficient to determine the position of the Council. *In all other cases*, however, decisions are made by an affirmative vote of seven members, *including the five permanent members*, except that when action for the pacific settlement of disputes is under consideration, parties to the dispute must abstain from voting.

This means that when the Council is performing its "quasi-judicial" function of promoting the pacific settlement of disputes, no nation, whether large or small, can be a judge in its own case. No party to a dispute, according to the State Department's interpretation, is entitled to vote on certain questions such as: (a) whether a matter should be investigated; (b) whether the continuation of a situation or dispute is likely to threaten the peace; (c) whether the parties should be called upon to settle the dispute by means of their own choice; (d) whether recommendations should be made as to methods and procedures of settlement; (e) whether the legal aspect of the dispute should be referred to the Court; (f) whether the dispute should be referred to the General Assembly or to a regional agency.[3]

Finally, whenever the Council is performing its "political" functions of action for the maintenance of peace and security, a unanimous vote of the five great powers is necessary. The concurrence of all of the permanent members is required, for example, in respect to decisions like those involving:[4] (a) determination of the existence of a threat of breach of the peace; (b) use of force or other enforcement measures; (c) approval of agreements for the supply of armed forces; (d) questions concerning the regulation of armaments.

On the assumption that the problem of security extends far beyond the settlement of disputes, the architects of Dumbarton Oaks built the principle of great-power supremacy firmly into their new structure in various other ways. The negative vote of any of the five permanent mem-

[2] *Department of State Bulletin*, Mar. 11, 1945. The decisions reached at San Francisco agree, in general, with this interpretation.

[3] See Arts. 33–38 of the Charter. Whether the Council should recommend terms of settlement (Art. 37) should now be added to the list.

[4] See especially Arts. 39–51.

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bers, for example, could prevent the admission of new members to the Organization. It could prevent the expulsion or the suspension of rights and privileges of a member. It could block the admission of a state to the International Court of Justice. It could hold up the appointment of any Secretary-General who might be *persona non grata* to the great power wielding the veto. Finally, it could prevent the adoption of any amendment to the Charter, thus protecting forever the privileged position of the great powers in the new Organization.

II. ATTEMPTS TO REDRESS THE BALANCE OF POWER

At San Francisco the smaller states made every effort to redress the balance of power between the great and small nations as outlined in the Dumbarton Oaks Proposals.[5] Seventeen delegations put forward amendments to Sec. C alone, and dozens of other amendments were offered to loosen up the voting procedure in various parts of the Charter. There were likewise numerous amendments designed to modify the size and character of the Security Council, or to decrease its powers. Some delegations, for example, favored discarding the concept of permanent membership entirely. Others insisted on enlarging the Council in order to make it more representative. Still others wanted to clip the wings of the Council and give more power in the security field to the General Assembly.

On all these points the great powers stood their ground. Amendments were adopted, to be sure, laying down criteria for the election of non-permanent members, and providing for the participation of non-members, under certain circumstances, in the deliberations of the Security Council. But nothing was done which might result in weakening the prestige, efficiency, and power of the Council.

Several states launched a particularly ingenious side-door attack against the veto when they proposed that acts of aggression be defined in the Charter. According to these proposals, the Security Council should designate the aggressor in accordance with a predetermined formula. Then, whenever one state attacked another, or committed any other act of aggression defined by the Charter, the Council would take action automatically against it.

The great states were fully aware that any procedure calling for automatic action by the Council would nullify their veto over enforcement measures. Moreover, they argued that it was undesirable to define aggression in advance, inasmuch as no such formula could be complete or accurate. They pointed out that situations might arise, under such an

[5] For relevant documents see: (1) *Report to the President*, Department of State Publication 2349, especially pp. 66–80; (2) UNCIO Document 1050, Report of the Rapporteur of Committee III/1; (3) *The Charter of the United Nations;* Hearings Before the Committee on Foreign Relations, U. S. Senate, 79th Cong., 1st Sess.

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inflexible system, in which the Council would be committed to action even though its members might disagree as to which party was the aggressor and what measures ought to be taken. Fortunately, the Conference decided to leave with the Council the right to determine the aggressor in the light of the circumstances surrounding each individual case.

III. DIRECT ATTACKS UPON THE YALTA FORMULA

We are primarily concerned here, however, with those amendments which struck directly at the voting procedure. For the most part, they were designed to qualify the principle of unanimity and thereby strengthen the position of the small states. Ecuador, for example, proposed that eight affirmative votes be required for *all* decisions of the Security Council. Iran suggested nine. Egypt preferred eight, with the concurring vote of four permanent members required for important decisions. Cuba recommended a simple majority vote for procedural questions, with a two-thirds vote (including two-thirds of the permanent members) for decisions concerning the maintenance of peace and security. El Salvador proposed a unique procedure according to which questions not receiving the unanimous approval of the great powers should be referred to the Assembly for final decision. Australia upheld the veto for enforcement action, but thought the votes of three great powers should suffice for decisions respecting the peaceful settlement of disputes.

During the debates on these amendments, the smaller powers vigorously attacked the unanimity requirement as discriminatory and as a violation of the principles of democracy and sovereign equality. While most of them agreed with the Australian delegation that it was not unreasonable to require the five permanent members to act together in respect to enforcement action, it was preposterous that a single great power should be able to block action in the peaceful settlement of a dispute to which it was not a party. This would mean that the United States would be able to block Council action in a dispute between Rumania and Hungary even though the parties themselves desired settlement. Similarly, the Soviet Union could prevent action in a dispute between Latin American states or a controversy involving one or more of her satellite nations. The net result might be to paralyze the Council and force many disputes to be handled outside the framework of the Organization.

Some delegations insisted, too, that it was the *duty* of the Security Council under the Charter to bring about the pacific settlement of disputes. How, then, could the Council be expected to carry out its duty if a single power, by the arbitrary use of its veto, could defeat the will of the remaining members?

Before turning to the arguments of the great powers, a word of comment about the "undemocratic" nature of the veto power is in order.

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There are, in fact, two extremes of voting in the Organization—the veto in the Council and the principle of legal equality in the General Assembly. Can it be said that the principle of legal equality is democratic in awarding to a state of a million inhabitants the same voting power in the Assembly that is awarded to China with its teeming millions, or to Russia with its great military and economic strength? Given the resources, population, and responsibilities of the great powers, it might well be argued that the voting procedure in the Council is no more undemocratic than that which prevails in the Assembly.

As the debate progressed, many questions arose concerning the practical application of the Yalta formula. To meet these queries, some twenty-three of which were drawn up and submitted to the sponsoring governments in the form of a questionnaire, the delegations of the United States, Great Britain, China, and the Soviet Union undertook the preparation of a joint statement designed to serve as an official interpretation of the four-power position in respect to the Yalta formula. The decision to draft such a statement proved a happy one, for it soon developed that the great powers were at odds on at least one important point. They agreed fully on the fundamental issue that the Yalta formula should apply both to the peaceful settlement of disputes and to enforcement action. But they were undecided as to whether any one permanent member, by the use of its veto, could prevent the Council from discussing and considering a dispute.

The position of the United States on this point had been set forth by Acting Secretary Grew on March 24, 1945. "It is this Government's understanding," said Mr. Grew, "that under these voting procedures there is nothing which could prevent any state from bringing to the attention of the Security Council any dispute or any situation which it believes may lead to international friction and may give rise to a dispute. And furthermore, there is nothing in these provisions which could prevent any party to such dispute or situation from receiving a hearing before the Council and having the case discussed." This view was upheld at San Francisco by the United Kingdom, China, and France. In the end, after prolonged negotiations and a direct appeal to Marshal Stalin, the Russian delegation likewise agreed, and the entire Conference heaved a sigh of relief.

Certainly logic would seem to be on the side of free discussion. The right of a state to bring a dispute to the attention of the Security Council (Art. 35) would mean precious little if the Council could not even discuss it. Moreover, inasmuch as the General Assembly had already been vested with the right of free discussion, it seemed illogical in the extreme to place the Security Council, the agency charged with primary responsibility for the maintenance of peace, on a different basis.

The statement of the sponsoring governments, which represented the

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highest common denominator of agreement among the great powers, was a polemic masterpiece. It started out on a positive note by listing the decisions of the Council which would require a mere procedural vote under the Yalta formula.[6] Then it reassured the Conference that no single member of the Council could alone block the consideration and discussion of a dispute referred to it. Nor could the unanimity rule prevent the parties to such a dispute from being heard by the Council.

Then comes the famous chain of events theory—the core of the argument for the retention of the unanimity principle. According to this theory whenever the Council goes beyond the mere discussion of a dispute—whenever it decides to make an investigation, or to make specific recommendations to the parties—its action "may well have major political consequences and may even initiate a chain of events" which might, in the end, require enforcement measures. Any step beyond the discussion stage, therefore, might aggravate the situation and might embark the Council upon a course of action from which it could withdraw only with great difficulty. From this theory emerges the conclusion that the great powers must act as a team at *every* stage in the settlement of a dispute—that the veto must apply to peaceful settlement as well as to enforcement action.

Many people object that the chain of events theory tends to discourage attempts to settle disputes in their early stages. They object, also, to the assumption that the Council should have nothing to do with a dispute unless it is willing to resort to enforcement action, as a last resort, to settle it. As one delegate remarked: "It's like saying we aren't willing to go to a doctor unless we are willing to go to an undertaker." Even so, the desirability of having the team of great powers pull together during all stages of a controversy cannot be gainsaid. Otherwise, if the Council were to start dealing with a dispute in a spirit of disunity, a more and more dangerous split among the permanent members might be encouraged at each step of the proceedings.

Perhaps a more convincing point presented by the great powers was the argument that the Yalta formula actually represents a step forward in the development of international relations.[7] Under the League Covenant, substantive decisions of the Council, with the exception of parties to a dispute under Art. XV, could be taken only by a unanimous vote of *all* of its members. The smallest and weakest member of the Council—perhaps a state of only a million inhabitants—could block action. Thus what

[6] See Arts. 28–32 of the Charter.

[7] The Charter as a whole represents real progress over the League Covenant in respect to voting. Whereas the general rule of the League Assembly was unanimity, the General Assembly, the Trusteeship Council, and the Economic and Social Council—with the exception of a few important questions in the Assembly—will operate on a simple majority basis.

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the Yalta formula does is to substitute a system of qualified majority voting for the complete unanimity which prevailed in the League Council. It does not vest the permanent members with a right which they did not previously possess. What it does is to remove the veto power from the non-permanent members of the Security Council.

Parenthetically, it might be recalled that, while the veto was rarely used in the League Council, the *non-permanent* members took advantage of it much more than the permanent members did. In 1926, Brazil and Spain brought League machinery to a standstill for six months when they blocked the admission of Germany as a permanent member of the Council. In 1923, and again in 1928, Rumania refused to permit reference of the Hungarian Optants case to the Permanent Court. And in 1928, Lithuania's veto prevented the acceptance of a report on the Lithuanian-Polish controversy. In fact, it was precisely to prevent non-permanent members from abusing their veto power that the Assembly resolution of September 15, 1926, was adopted making it possible to proceed at any time to a new election of the non-permanent members of the Council. The Assembly thus served notice on all non-permanent members that they might be recalled if they resorted to obstructionist tactics.[8]

In effect, the statement of the sponsoring governments, while guaranteeing the right of discussion, called for a great power veto over virtually every decision of the Security Council. But by the time the Big Five had ironed out their differences, most of the smaller states were willing to take the half-loaf that was handed them and forget about the rest. Serious issues still remained, however, in connection with (1) the peaceful settlement of disputes, and (2) the procedure for amending the Charter. As to the first issue, an Australian amendment designed to exclude from the veto all decisions of the Council in respect to peaceful settlement was submitted to Committee vote as a test case on June 12. It was defeated by a vote of 10 for to 20 against, with fifteen delegations abstaining. Since the other amendments to Section C represented a greater departure from the text than the Australian amendment, they were not submitted to a vote. On the following day, the Yalta formula was approved by a vote of 30 to 2, with fifteen delegations abstaining.

IV. THE AMENDING PROCESS AND THE VETO

During the Committee debates, many delegates stated that they would not oppose the veto power so emphatically if they could have some assurance that the process of amending the Charter might be liberalized and an opportunity afforded for a reëxamination of the Organization at some future date. Fundamentally, they objected to any arrangement that would

[8] See C. A. Riches, *The Unanimity Rule and the League of Nations* (1933), especially Chap. VIII.

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freeze the *status quo* and permit any great power, by the use of its veto, to prevent those changes in the Charter which time and circumstances might demand. Moreover, the interests of the great states were amply protected in case amendments were offered which they did not approve. But what recourse would the smaller states have in the event they were asked to accept amendments to which they had serious objection, or when amendments which they believed were of fundamental importance failed to be ratified because of great-power opposition?

The Conference found only a partial answer to the first problem. Art. 109 of the Charter provides that a United Nations Conference may be held for the purpose of reviewing the Charter if two-thirds of the General Assembly and *any seven members* of the Security Council agree. Furthermore, if such a conference has not been held before the tenth annual session of the General Assembly, the matter shall be placed on the Assembly's agenda and the conference will be held if a majority of the General Assembly and *any seven members* of the Security Council so vote. Up to this point, the smaller powers carried the day. If, at the end of a ten-year period a reëxamination of the Charter seems advisable, a general conference may be called, even if three or four of the great powers object.

Beyond this point, the Big Five refused to budge. The smaller powers argued loud and long for the removal of the veto in the case of amendments proposed by a general revisionary conference. But the final words of Arts. 108–109—permanent monuments to the special position of the great powers—make clear that any amendment to the Charter, whether proposed by a revisionary conference or by the normal ratification process, must be ratified by two-thirds of the members of the Organization, including the permanent members of the Council.

The second problem was solved by incorporating into the *procés verbaux* of the Conference provisions for the withdrawal of members from the Organization. According to these stipulations, any member may withdraw if its rights and obligations are changed by an amendment "which it finds itself unable to accept," or if an amendment proposed by the General Assembly or in a general conference fails to secure the ratifications necessary to bring it into effect.[9] Thus the obligations of the small states in the Organization theoretically cannot be increased without their consent—assuming, of course, that they are willing to suffer the disadvantages which flow from withdrawal. Nor can they be compelled to remain in the Organization if any of the permanent members persist in blocking important changes in the Charter by use of their veto power.[10]

[9] Whether the courts would attach any legal validity to this statement is doubtful.

[10] Space does not permit a discussion of one very interesting problem left unsettled by the Conference: What effect would abstention by a great power have on a vote taken by the Security Council?

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V. POWER AND RESPONSIBILITY GO HAND IN HAND

The Yalta formula has been widely criticized as vesting too much power in the hands of the permanent members of the Security Council. Does it not place the great powers above the law, the critics ask. Does it not set up a directorate of the great powers? Is it not turning the hands of the clock backwards?

In effect, as Mr. Stettinius pointed out to the Senate Committee on Foreign Relations on July 9, 1945, the Charter does not confer any power upon the great nations which they do not already possess in fact. Without the Charter, the power of these nations to maintain peace or to make war as they willed would certainly exist. What the Charter does is "to place special and binding obligations upon the great nations to use—in unity together for peace, not separately for war—the power that is already in their hands. The unanimity rule is an expression of those special obligations and of their commensurate responsibilities."

In the new Organization the power of the great nations and their responsibilities go hand in hand. The Principles and Purposes of the Charter impose far-reaching obligations upon *all* members—the big powers as well as the small and the medium-sized ones. There is, for example, the obligation on the part of every state to settle its disputes by peaceful means and to refrain from the threat or use of force in any manner inconsistent with the purposes of the Organization. There is also the obligation to give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

Moreover, the Charter provides for a system of checks and balances which should prove helpful in holding the permanent members responsible for the proper exercise of their extraordinary powers. In the first place, as we have already observed, the five powers do not constitute a majority of the Security Council, inasmuch as six non-permanent members are elected by the General Assembly. Furthermore, no action can be taken by the Council unless at least two non-permanent members vote with the great states in order to secure the necessary majority of seven. It would be quite possible for any five non-permanent members to exercise a veto power of their own over any action contemplated by the permanent members within the framework of the Organization.

Perhaps the biggest check to a possible abuse of the veto power lies in the complete freedom which the Organization affords for the discussion of problems relating to peace and security. As we have seen, no state or group of states can prevent any nation from bringing a dispute before the Security Council and obtaining a hearing. Just as important is the virtually unlimited power of discussion granted the General Assembly—"the town meeting of the world." The Assembly, where the great powers have no special voting privileges, may likewise make recommendations either

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to the Security Council or to the members on any question relating to peace and security not being dealt with by the Council. It is conceivable that, even after the Council has decided to take no action in respect to a dispute, the Assembly might discuss the matter and by a two-thirds vote make recommendations about it.

The Charter likewise provides that the Council must submit annual and special reports to the Assembly, including an account of the measures taken to maintain peace and security. To be sure, Committee III/1 made it plain that this provision in no way implies that the Council shall be subservient to the Assembly in carrying out its security functions. Nevertheless, all these checks and balances, taken together, mean that the Council is functioning in the name of the United Nations in a huge goldfish bowl where its activities can be seen and it can be held accountable for any possible misuse of its power.

The small states at San Francisco did not mince words in asserting that their surveillance over the permanent members would be both strict and continuous. The great powers had asked for a privileged position in order to set up an effective instrumentality to maintain the peace. That privileged position had been granted. Now if the peace machinery should break down, the burden of proof would be on them. As Dr. Victor Belaunde of Peru put it: "This big-power right of veto has been transformed into the duty of proving unanimity. They have been given what they demanded. It is up to them to demonstrate the unanimity they profess."

In their turn, the delegates of the great powers hastened to assure "the little 45" that they would discharge their obligations in the United Nations with a high sense of responsibility. As Senator Tom Connally, who acted as the Big Five spokesman in Committee III/1 said on June 13: "The vote last night was in effect a vote of confidence in the sincerity and the integrity of the great powers. I am confident that the great powers will not betray the trust that has been placed in them by using their right of veto wilfully or maliciously."

VI. CONCLUDING COMMENTS

In view of the widespread opposition to the unanimity principle at San Francisco, why did not the United States delegation assume the moral leadership of the world and push for a renunciation or a modification of the veto power? The answer is simple. As Senators Connally and Vandenberg pointed out on the floor of the Senate in July, there was no other course open. The Yalta formula was proposed by President Roosevelt at Crimea and was accepted by the powers represented there. To have repudiated it at San Francisco would have been tantamount to repudiating the pledged word of a departed leader.

Moreover, apart from the fact that the other great powers were unwill-

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ing to give up their special position, the removal of the veto provision from the Charter would have unleashed a storm of criticism in the United States. Certainly the rousing 89-to-2 vote in the Senate on the Charter would not have been possible if the Security Council had been endowed with sufficient power to take important action without our consent. To some people, the Yalta formula is defective because it would permit Russia, Great Britain, China, and France to block action in the Council. But to many of those people its main virtue lies in the fact that it also gives the United States that same veto.

At San Francisco, the issue was made crystal clear by the leaders of the Big Five: it was either the Charter with the veto or no Charter at all. Senator Connally dramatically tore up a copy of the Charter during one of his speeches and reminded the small states that they would be guilty of that same act if they opposed the unanimity principle. "You may, if you wish," he said, "go home from this Conference and say that you have defeated the veto. But what will be your answer when you are asked: 'Where is the Charter'?"

If, then, great-power unanimity is today a *sine qua non* of the United Nations, we should accept it as a temporary phase in the development of world organization and do our best to make it work. No doubt, as the nations of the world gain experience in working together, the new Organization will be able to adopt more of the methods and techniques of a truly democratic institution.

There still lies a gleam of hope for the small states in the possibility that, in practice, the Security Council will adopt a liberal interpretation of what constitutes a procedural matter. In the League Council, an increasingly large number of questions were classified as "procedural," thus requiring a majority vote instead of unanimity. Here again, however, the final answer rests with the great powers; the statement of the sponsoring governments reminded the Conference that any decision taken by the Security Council on whether or not a matter is procedural or substantive is in itself a substantive question and will require the unanimous vote of the permanent members.

On the other hand, the writer is convinced that too much emphasis has been placed on the importance of the formal vote. Actually, the Council should resort to the formality of voting only on rare occasions. In the vast majority of cases, differences will be ironed out and agreement will be arrived at spontaneously in the process of free discussion.

It is easy, of course, to find serious flaws in the Yalta formula. What would happen, the critics ask, if one of the five permanent members should commit an aggression or wilfully block the peaceful settlement of disputes to which it is not a party? Or what would happen if one of the permanent members should lose its status as a great power, yet continue to occupy its exalted position in the Organization?

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These questions should be faced with great candor. It is true that the Security Council is primarily designed to prevent wars between small states and to nip in the bud threats to world peace which might come from our World War II enemies, mainly Germany and Japan. It is not geared to prevent wars which involve any of its five permanent members. If a situation develops in which the members of the Organization find it necessary to take enforcement action against one or more of the great powers, then the resulting action would probably assume the proportions of war regardless of whether it were taken inside or outside the framework of the Organization.

It is quite possible, too, that one of the great powers may abuse its privileges and prevent the Council from taking action in the peaceful settlement of a dispute. With the eyes of the world focused upon it, however, and with ten other Council members to restrain it, the chances are more likely that any great power would hesitate a long time before outraging the hopes of mankind. In any event, the main safeguard against such situations lies, not in any piece of machinery, but in the development of a sense of self-responsibility and restraint on the part of the permanent members sufficient to prevent them from doing anything contrary to the spirit and the letter of the Charter.

If by some quirk of fate, whether by internal revolution or by natural causes, one of the permanent members should lose its status as a great power, the problem before the Organization would be a difficult one.[11] In such a case, if the state in question refused to accept an amendment to the Charter re-naming the permanent members, it might become necessary to dissolve the Organization and form a new one with a reorganized Security Council. Meanwhile, we should accept the Yalta formula for what it is: the best practicable solution to an extremely difficult problem. In the long run, it may prove a vital force for good in the world. It may prove the cement that binds the great powers together.

Under the Charter, whatever the great powers do they must do in unison and harmony; they must work together on important issues instead of pulling apart. This means that every effort will be made, every resource exhausted, to reach agreement at every step of the way. With this philosophy dominating the Organization, there is reason to believe that the old balance of power system, with the dangerous tendency of the great nations to split up into rival camps or blocs, may well be averted.

This is tantamount to saying that the United Nations machinery should function smoothly so long as the people of the United States and the other United Nations support it and are willing to make concessions for the common good. The Charter, after all, belongs to the people of

[11] There is also the possibility that other states may attain the status of great powers and thus merit permanent seats in the Security Council.

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the United Nations, and only the people can make it work. There is every hope that it will work, however, in that the fundamental policies of the five great powers are essentially reconcilable. That fact was very well demonstrated at San Francisco, where many divergent views were harmonized. With world peace the paramount interest of all the great powers, no cleavage among them would seem basic enough to make a lasting peace impossible.

III. PACIFIC SETTLEMENT OF DISPUTES

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A plan for the peaceful settlement of international disputes is the very heart of any charter establishing an international organization to maintain peace and security. Greater emphasis may be given and greater popular interest may attach, particularly in time of war, to provisions for the joint use of national economic and military forces in restraint of aggression. Yet it must be admitted that peace and security are most completely assured when the necessity for resort to collective force does not exist, and when nations, like individuals in a well-ordered society, settle their differences by peaceful means.

Any full understanding of the provisions for the pacific settlement of disputes contained in the Charter of the United Nations would, of course, require an analysis of our total historical experience in the development of principles, procedures, and institutions for this purpose. In particular, an analysis of the League system and its actual operation, and of the reasons why it failed, would seem necessary. For whatever we do today must find its chief justification in the conviction that in our present endeavor we are profiting from the experience of the past and are creating a system which has a better chance of success than its predecessors. Space, however, does not permit the detailed analysis of our historical experience which is necessary to a satisfactory evaluation of the San Francisco achievement. The reader who wishes to explore this historical background more fully is referred to the extensive literature dealing generally with peaceful settlement of disputes, and more particularly with the League experience.[1]

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[1] Attention is called particularly to Manley O. Hudson, *By Pacific Means* (New Haven, 1935), and William E. Rappard, *The Quest for Peace since the World War* (Cambridge, Mass., 1940).

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I. THE DISCUSSIONS AT SAN FRANCISCO

When the United Nations Conference met at San Francisco on April 25, 1945, for the purpose of drafting a Charter of the United Nations, including suitable provisions on the subject of peaceful settlement of disputes, it had before it the Dumbarton Oaks Proposals, as completed with respect to the voting procedure of the Security Council by the text agreed to at the Yalta Conference.[2] These Proposals had been transmitted to the governments invited to participate in the work of the Conference some time in advance, and the opportunity had been given for submitting suggestions and comments. Furthermore, after the formal opening of the Conference, the governments were allowed until midnight of May 4 to prepare and submit comments and suggestions for amendment of the Proposals.

To facilitate the work of the Conference in the preparation of a statute for the proposed International Court of Justice, a Committee of Jurists had met in Washington from April 9 to 20 to prepare a draft of a statute. This draft, based largely on the Statute of the Permanent Court of International Justice, was submitted to the Conference and became the basis of the discussions of the technical committee dealing with that matter.[3] The Committee of Jurists had been unable to reach agreement on whether the court should be a new court or the old Permanent Court, nor could it agree on the question of the court's jurisdiction—whether it should be compulsory or not. These, together with certain other questions of lesser importance, were submitted to the Conference without recommendation.

The Conference was organized for doing its work largely on the basis of the structure of the Dumbarton Oaks Proposals themselves. This meant that provisions dealing with the same general topic were often referred to different technical committees. This was particularly true as regards the subject of pacific settlement. While one of the technical committees (Committee III/2) was assigned the specific task of preparing and recommending "draft provisions for the Charter of the United Nations relating to matters dealt with in Chap. VIII, Sec. A, of the Dumbarton Oaks Proposals and to the comments and suggestions submitted by the governments participating in the Conference,"[4] this particular assignment did not by any means cover the whole subject of peaceful settlement so far as the Charter was concerned. In particular,

[2] The United Nations Conference on International Organization, Doc. 1, G/1.

[3] The United Nations Committee of Jurists, Jurists 86, G/73, April 25, 1945; The United Nations Conference on International Organization, Doc. 857, IV/1/70, June 8, 1945.

[4] The United Nations Conference on International Organization, Doc. 42, P/10(a), May 6, 1945, p. 5.

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it did not cover the question of judicial settlement, which was the assignment of another Committee (Committee IV/1).

Since the technical work of the Conference on different aspects of the general problem of pacific settlement was thus to some extent divided among a number of Committees, the question of coördination became of considerable importance. Different techniques were used for this purpose. Inter-committee communication was one means employed to keep Committees working on the same question or different facets of the same question from coming to contradictory or conflicting conclusions. Joint subcommittees were sometimes used as a means for achieving harmonious solutions. The Commissions served as useful coördinating agencies so far as the work of their respective Committees was concerned. Each national delegation served as a coördinating agency in that presumably the delegate of a government on one Committee would act in accordance with a line of policy which governed his fellow-delegates on other Committees. Finally, if after the Committees had done their work, inconsistencies and lack of integration remained, it was the responsibility of the Coördination Committee to take appropriate action.

Even though the Conference organization and procedures seemed at times unduly complicated and ill-suited to the production of a logically organized and well-drafted charter, there can be little question regarding the success of the Conference in achieving full and free discussion of the matters under consideration. Though the procedures of the different Committees varied greatly, they all gave full opportunity for the discussion of the provisions of the Dumbarton Oaks Proposals and of the suggestions advanced by the participating governments. Decisions were taken by two-thirds vote of those present and voting, with the result that no proposal was accepted unless it had a substantial measure of support, and even a proposal supported by one or more of the great powers might be voted down if it lacked that measure of support.

A number of the changes made in the provisions of the Dumbarton Oaks Proposals for the pacific settlement of disputes were initiated by the sponsoring governments, who at the very beginning of the Conference agreed on the texts of certain amendments which they jointly proposed. Thus it was on their initiative that paragraph 1 of Chap. I (Purposes)[5] was amended to include a reference to the principles of justice and international law. Also, it was by amendments proposed by the sponsoring governments and subsequently adopted by the Conference that power was conferred upon the Security Council, if all the parties to any dispute so request, to "make recommendations to the parties with a view to a pacific settlement of the dispute,"[6] and in the case of a dispute "the

[5] Corresponding to Art. 1, par. 1, of the Charter.
[6] Charter of the United Nations, Art. 38.

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continuance of which is likely to endanger the maintenance of international peace and security," where the parties have failed to settle it by means of their own choice, to recommend appropriate terms of settlement as well as appropriate procedures or methods of adjustment.[7]

Additional changes were made on the initiative of other participating governments. Thus the insertion of the words "and justice" in the text of Chap. II, par. 3, of the Proposals[8] was made on the suggestion of the government of Bolivia. The inclusion of words in Art. 36 of the Charter[9] empowering the Council to exercise the same powers with respect to a situation whose continuance "is likely to endanger the maintenance of international peace and security," as with respect to a dispute of like nature, was done on the proposal of the government of Australia. The third paragraph of this article embodies the substance of amendments proposed by the governments of Czechoslovakia and Turkey.

Finally, extensive modifications of the arrangement of material and of phraseology, without change of substance, were made by the technical committees on the recommendation of drafting subcommittees and by the Coördination Committee. As regards Sec. A of Chap. VIII of the Dumbarton Oaks Proposals, entitled "Pacific Settlement of Disputes," the members of the Technical Committee (Committee III/2) were extremely critical of the arrangement and drafting of the original text. The substantive decisions of the Committee were referred to a drafting subcommittee with the definite understanding that the subcommittee should exercise considerable discretion in seeking to produce a more logical arrangement of material and greater clarity of expression. As a result, the text recommended by the Committee was quite different in form as well as in substance from that of the original Dumbarton Oaks Proposals.[10] Further changes of form were made by the Coördination Committee.

One general conclusion which can be drawn regarding the work of the Conference in drafting the provisions on peaceful settlement is that the results achieved were the product of a process of free discussion and decision. There were, it is true, some matters which would have been decided differently if delegates had not felt obliged to be guided by certain basic political realities. But nevertheless there was a free exchange of views; where differences developed, it was possible to work out acceptable compromises; and decisions were taken by special majority vote.

[7] *Ibid.*, Art. 37, corresponding to Chap. VII, Sec. A, par. 4, of the Dumbarton Oaks Proposals.

[8] Corresponding to Art. 2, par. 3, of the Charter.

[9] Corresponding to Chap. VIII, Sec. A, par. 5, of the Dumbarton Oaks Proposals.

[10] See Report of the Rapporteur of Committee III/2, The United Nations Conference on International Organization, Doc. 1027, III/2/31 (1), June 16, 1945.

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II. THE CHARTER AND PACIFIC SETTLEMENT

1. *Purposes.* The Charter declares one purpose of the United Nations, and the first in point of position, to be "to maintain international peace and security," and to that end "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."[11] The decision to insert the words "and in conformity with the principles of justice and international law" was taken by the technical committee after extensive discussion and careful consideration.[12] The proposal was first made that these words should be inserted at the beginning of the paragraph after the word "security." This proposal was not accepted, on the ground that it would provide a loophole for questioning any action that might be taken to maintain or restore peace. The actual evolution of a particular situation requiring action by the Organization was conceived in some such terms as this: A dispute or situation exists which is likely to lead to a breach of the peace. The Organization must be ready at any time to take the necessary enforcement measures to preserve or restore peace without being concerned with the justice of the claims of the parties to the dispute or situation. At the same time, it must seek to achieve a peaceful settlement or adjustment of the dispute or situation, acting "in conformity with the principles of international law and justice."

2. *Principles.* Art. 2 of the Charter sets forth the basic legal principles in accordance with which the Organization and its members are to act. By the terms of paragraph 3, members are required to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered." This is a fundamental legal obligation of members of the Organization. It is made to apply only to "international" disputes. This word was added at San Francisco to make it perfectly clear that the Organization is to concern itself only with disputes among nations, a conclusion stated more explicitly in par. 7. Par. 3 does not require members to settle all their international disputes. They must, however, use peaceful means when they do settle them, and the settlement reached and the process of reaching it must be such that "international peace and security, and justice, are not endangered." The insertion of the word "justice," done by the Conference on the insistence of the smaller nations, is an important affirmation of the principle that disputes are to be settled in accordance

[11] Art. 1, par. 1.

[12] See Report of Rapporteur of Committee 1 to Commission I, The United Nations Conference on International Organization, Doc. 944, I/1/34(1), June 13, 1945, pp. 7–9.

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with basic moral and legal principles, and not on the basis of political expediency with the avoidance of trouble as the sole end in view.

The obligation of Art. 2, par. 3, applies only to members of the Organization. It does not place upon non-members any obligation to settle their disputes by peaceful means. Under Art. 17 of the Covenant, non-members of the League of Nations were to be invited to accept the obligations of membership for the purposes of disputes to which they were parties. The approach of the Charter is somewhat different in that it deals with the problem in terms of general principle as well as specific procedures. By par. 6 of Art. 2, "the Organization shall ensure that States which are not members of the United Nations act in accordance with these Principles (including, of course, par. 3) as far as may be necessary for the maintenance of international peace and security."[13] This places upon the Organization a broad responsibility and gives the organs, especially the Security Council, broad power to achieve the declared purpose. While non-members are technically not bound by this provision, members of the Organization are obligated to impose upon them a prescribed standard of conduct.

The final paragraph of Art. 2 states that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chap. VII." A comparable provision was included in Chap. VIII, Sec. A (Pacific Settlement of Disputes), of the Dumbarton Oaks Proposals,[14] where it applied only to action under that section. It also had its counterpart in Art. 15, par. 8, of the Covenant of the League of Nations.

What is particularly to be noted regarding the safeguarding principle included in the Charter are the scope of its application, the lack of definiteness of its phraseology, and the absence of any express provision for a decision by an organ of the United Nations of any question which may arise under it. There is no reference to international law as a governing factor as in the Covenant provision or in the Dumbarton Oaks text. Whereas the Covenant and the Dumbarton Oaks texts referred to matters "solely" within the domestic jurisdiction of the states concerned, the Charter uses the more indefinite word "essentially." The Covenant provided that the Council should make a finding and report on a claim by a party to a dispute; in neither the Dumbarton Oaks Proposals nor the Charter do we find a provision of like nature. The arguments made at

[13] This corresponds to the unnumbered article at the end of Chap. II of the Dumbarton Oaks Proposals. [14] Par. 7.

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San Francisco in favor of the phraseology finally adopted, in so far as application to the pacific settlement of disputes is concerned, were the following: International law is subject to constant change, and therefore escapes clear definition. It is difficult to find a matter under modern conditions which does not to some extent affect foreign relations, and therefore "solely" is too restrictive a word to use. It would not be feasible to have questions arising under the paragraph decided by the Court, since some states would not accept the Court's compulsory jurisdiction. A consideration which was undoubtedly important in leading to the adoption of this restrictive principle in its present broad form was the broadening of the scope of the Organization's functions and activities in the field of economic and social coöperation.

3. *The Organs Concerned with Pacific Settlement.* Under the Charter plan, the organs of the United Nations which are concerned with the pacific settlement of disputes are the General Assembly, the Security Council, the International Court of Justice, and the Secretariat. In addition, the Charter recognizes regional agencies for the pacific settlement of disputes which may be established under regional arrangements. The only requirement is that such regional agencies and their activities shall be consistent with the principles and purposes of the Organization.[15]

The General Assembly, in which all members are represented with equal voting rights, may discuss "any questions or any matters within the scope of the present Charter" and more specifically "any questions relating to the maintenance of international peace and security brought before it by any member of the United Nations, or by the Security Council"[16] or, under certain conditions, by a non-member state.[17] It may make recommendations regarding such questions and matters to the Security Council and to any member or members of the Organization. But any question on which action is necessary must be referred to the Security Council either before or after discussion. It may not on its own initiative, unless the Security Council requests it, make any recommendation regarding a question or situation while the Security Council is exercising, in respect to such dispute or situation, the functions assigned to it in the Charter.[18] The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.[19] In general, then, the General Assembly is the organ for discussing questions and situations with a view to publicizing them and inciting the Security Council to action. It is not itself, as a rule, to take specific action with a view to settling a dispute or adjusting a situation.

Under the Charter, the "primary responsibility" for taking action to

[15] The Charter of the United Nations, Art. 52, par. 1.
[16] *Ibid.*, Arts. 10 and 11. [17] *Ibid.*, Art. 35.
[18] *Ibid.*, Art. 12. [19] *Ibid.*, Art. 11, par. 3.

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maintain international peace and security is placed on the Security Council.[20] The Security Council may, on its own initiative, at the request of any member of the Organization, on the recommendation of the General Assembly, or as the result of action taken by the Secretary General, investigate "any dispute, or any situation which might lead to international friction or give rise to a dispute" with a view to determining "whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."[21] If it finds that to be the case, it may recommend appropriate procedures or methods of adjustment.[22] It has, however, no power of decision, no power to impose its views upon members or non-members. This power to take binding decisions comes into effect only when the Security Council is engaged in taking "enforcement action" under Chap. VII or under Art. 94.

Under the voting formula proposed by the sponsoring governments and adopted at San Francisco, the Security Council can take decisions on questions of procedure by an affirmative vote of seven members; all other decisions require, in addition, the concurrence of the permanent members of the Council, except that in decisions under Chap. VI (Pacific Settlement of Disputes) and par. 3 of Art. 52 (dealing with pacific settlement under regional arrangements) "a party to a dispute shall refrain from voting."[23] Under the interpretation of this voting formula agreed to by the governments of the sponsoring powers and that of France at San Francisco, a permanent member, not a party to a dispute, is not able to prevent consideration and discussion by the Security Council of a dispute or situation brought to its attention under the terms of the Charter; but it can veto a proposal to investigate such a dispute or situation or to make a recommendation.[24] Thus the actual exercise of the powers vested in the Security Council to bring about the pacific settlement of disputes is to be understood as subject to the requirement regarding voting procedure which may in actual operation prevent the Security Council from taking any action. On the other hand, if the Security Council does decide, the action will have added force and promise of effectiveness by virtue of the fact that the permanent members are in agreement.

The International Court of Justice, established under the provisions of Chap. XIV of the Charter and the annexed Statute, is to be the principal judicial organ of the Organization. In all essential respects, it will resemble the Permanent Court of International Justice established under the 1920 Statute. It is to be a new court, however, and its Statute will be a part of the Charter. Like the Permanent Court, it will consist

[20] *Ibid.*, Art. 24, par. 1. [21] *Ibid.*, Arts. 11, 34, 35, and 99.
[22] *Ibid.*, Art. 36. [23] *Ibid.*, Art. 27.
[24] The United Nations Conference on International Organization, Doc. 852, III/1/37 (1), June 8, 1945.

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of fifteen independent judges, elected by the General Assembly and the Security Council, voting concurrently. The judges will be elected for nine-year terms, with overlapping periods of service in the interest of greater continuity.[25]

The jurisdiction of the Court, under its Statute, is similar to that of the Permanent Court of International Justice. Only states may be parties in cases before the Court.[26] The conditions under which the Court is to be open to non-member states are to be determined by the Security Council.[27] As to subject-matter, the jurisdiction of the Court extends to "all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."[28] Parties to the Statute may by declaration "recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning: "a. The interpretation of a treaty; b. any question of international law; c. the existence of any pact which, if established, would constitute a breach of any international obligation; d. the nature or extent of the reparation to be made for the breach of an international obligation."[29]

This declaration may be made conditionally or unconditionally. As a concession to those who advocated at San Francisco a general system of compulsory jurisdiction, a paragraph was inserted in the Statute under which "declarations made under Art. 36 of the Statute of the Permanent Court of International Justice, and which are still in force, shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."[30]

The Court's function is declared to be "to decide in accordance with international law such disputes as are submitted to it."[31] It may, however, if the parties so agree, decide a case *ex aequo et bono*. Furthermore, it may give an advisory opinion "on any legal question" on the request of whatever body may be authorized by or in accordance with the Charter to make such a request.[32] Under the Charter, the General Assembly or the Security Council may make such a request, and other organs of the United Nations and specialized agencies may be so authorized by the General Assembly.[33]

The Secretariat figures only to a limited extent in connection with the

[25] The Statute of the International Court of Justice, Arts. 2–13.
[26] *Ibid.*, Art. 34, par. 1. [27] *Ibid.*, Art. 35.
[28] *Ibid.*, Art. 36, par. 1. [29] *Ibid.*, Art. 36, par. 2.
[30] *Ibid.*, Art. 36, par. 5. [31] *Ibid.*, Art. 38.
[32] *Ibid.*, Art. 65. [33] Charter of the United Nations, Art. 96.

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pacific settlement of international disputes. The Secretary-General and his staff perform secretarial functions for the General Assembly and Security Council when these organs are engaged in the performance of functions connected with the peaceful settlement of disputes. In addition, however, the Secretary-General may on his own initiative "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."[34]

4. *Obligations and Procedures.* As we have seen, the basic obligation of members under the Charter is to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered." In Chap. VI, this obligation is further spelled out in these words: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."[35] Solution by these means is to be sought, subject to the provisions of Art. 38, before a party brings a dispute to the attention of the Security Council or the General Assembly. Elsewhere in the Charter it is provided that members entering into regional arrangements or constituting regional agencies "shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council."[36] This, however, simply reaffirms more specifically the principle established in Art. 33. Apart from this general principle, the only provisions in the Charter which seek to differentiate in terms of obligation with respect to means of settlement that are particularly appropriate to particular types of disputes, or with respect to the order in which different means of settlement might best be used, are to be found in the Statute of the Court.

Under the provisions of Art. 36 of the Statute, states accepting the compulsory jurisdiction of the Court do so with regard to defined categories of legal disputes. Thus any member making the declaration there referred to will be obligated to submit any legal dispute to which it is a party and which falls within the prescribed categories to the Court for final decision, if the other party, acting under the terms of the above declaration, brings the dispute before the Court. Even as between states accepting the compulsory jurisdiction of the Court, however, no state is obligated under the terms of the Statute to take the initiative in using the means of judicial settlement in preference to some other means for the settlement of a legal dispute. If the dispute is before the Security Council,

[34] *Ibid.*, Art. 99. [35] *Ibid.*, Art. 33.
[36] *Ibid.*, Chap. VIII (Regional Arrangements), Art. 52, par. 2.

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however, that body, in making recommendations, "should take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice."[37]

If the parties to a dispute, members of the United Nations, fail to settle a dispute, "the continuance of which is likely to endanger the maintenance of international peace and security," by means of their own choice, they are under a definite obligation to refer it to the Security Council.[38] That body, however, is not required to wait until the dispute is brought before it in that manner. It is obligated to step in at any time that "it deems necessary," i.e., whenever it finds that the continuance of the dispute "is likely to endanger the maintenance of international peace and security," to "call upon the parties" to settle their disputes by the means specified in the first paragraph of Art. 33.[39]

If the dispute is referred to it by the parties, or by one of them, on the ground that they are unable to reach a solution by peaceful means of their own choice, the Security Council first decides whether the continuance of the dispute "is in fact likely to endanger the maintenance of international peace and security," and, if it so determines, it decides whether to "recommend appropriate procedures or methods of adjustment" or whether itself "to recommend such terms of settlement as it may consider appropriate."[40] Any recommendation made by the Council will, of course, be in the nature of advice only, and will have no binding value so far as the parties are concerned. The power of the Council to take binding decisions will become operative only upon determination of "the existence of any threat to the peace, breach of the peace, or act of aggression," and then not for the purpose of imposing a settlement of the dispute itself.[41]

In carrying out its "primary responsibility" to maintain international peace and security, the Security Council may investigate "any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."[42] Any member of the United Nations may bring such a dispute or situation to the attention of the Security Council. A non-member state may also bring a dispute to which it is a party to the attention of the Council if it accepts in advance, for the purposes of the

[37] *Ibid.*, Art. 36, par. 3. [38] *Ibid.*, Art. 37, par. 1.
[39] *Ibid.*, Art. 33, par. 2. [40] *Ibid.*, Art. 37, par. 2.
[41] See Report of the Rapporteur of Committee III/2, The United Nations Conference on International Organization, Doc. 1027, III/2/31 (1), June 16, 1945, p. 4; Report of Mr. Paul Boncour, Rapporteur (Committee III/3), on Chap. VIII, Sec. B, *Ibid.*, Doc. 881, III/3/46, June 10, 1945, pp. 4–7.
[42] Charter of the United Nations, Art. 34.

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dispute, the obligations of pacific settlement provided in the Charter.[43] It is to be noted, however, that a non-member cannot bring before the Council a dispute to which it is not a party, or a situation of the kind described above. That was permitted under the Dumbarton Oaks Proposals, but the matter was discussed at some length at San Francisco and the conclusion was reached that such a provision would permit a non-member to act irresponsibly and with a view to discrediting and weakening the Organization.

Any member can bring a dispute or situation of the type described above to the attention of the General Assembly, and, as in the case of the Security Council, and, subject to the same condition, a non-member can bring a dispute to which it is a party to the attention of that body.[44] Any such matter "on which action is necessary" must, however, be referred by the General Assembly to the Security Council "either before or after discussion."[45]

If the Security Council determines, after investigation, that the continuance of the dispute or situation brought to its attention is likely to endanger the maintenance of peace and security, it may recommend to the parties or the interested states "appropriate procedures or methods of adjustment."[46] Here again the recommendations of the Council create no binding legal obligations. In making its recommendations, the Council is expected to take into account any procedure for pacific settlement which the parties to a dispute have already adopted, and also to take into account that legal disputes should as a general rule be referred by the parties to the International Court of Justice.[47] Furthermore, the Security Council is obligated to encourage the development of pacific settlement of local disputes through regional arrangements or by regional agencies open to the parties.[48]

It is fair to assume, on the basis of the directives contained in the Charter and the discussion at the Conference, that the Security Council, in acting under Art. 36, will be strongly inclined to recommend the use of procedures and methods of adjustment already provided for in agreements in force between the parties. To carry this thought one step further, the Council will in all probability recommend the use of procedures provided for under regional arrangements where all the parties to the dispute, or all states concerned in a given situation, are parties to such regional arrangements. In the case of legal disputes, the Council will in all probability recommend submission to the Court unless there are factors present which make arbitration appear the more promising procedure. In the case of political disputes or situations which fall short

[43] *Ibid.*, Art. 35. [44] *Ibid.*
[45] *Ibid.*, Art. 11, par. 2. [46] *Ibid.*, Art. 36, par. 1.
[47] *Ibid.*, Art. 36, pars. 2 and 3. [48] *Ibid.*, Art. 52, par. 3.

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of disputes, or where the political element is dominant, more flexible procedures or methods of adjustment will be needed. If questions of a legal nature arise in connection with the consideration of these matters by the Council, a request for an advisory opinion by the Court would appear to be the normal procedure. Under the provisions of Art. 38, the parties to any dispute, no matter what its nature, may by agreement request the Security Council to make recommendations with a view to the peaceful settlement of the dispute. If such a request is made, the Security Council may so act, even though in principle its rôle under the Charter does not extend to making such recommendations except in serious cases, where the maintenance of international peace and security is endangered, and where the parties have failed to find a solution by the means specified in Art. 33.

III. GENERAL CONCLUSIONS

The provisions of the Charter relating to the pacific settlement of disputes no doubt leave something to be desired. They do not provide all that might be wished in the way of definition of obligations of member states, functions and powers of organs, and procedures for dealing with disputes as they arise. There are those who feel that the provisions of the Dumbarton Oaks Proposals on pacific settlement were among the least satisfactory provisions of that document. At the Conference, considerable well-founded criticism of these provisions was voiced. The view was expressed that they were not carefully thought out, that they were illogical in arrangement, and that they were repetitious in their phraseology. As has already been pointed out, Chap. VIII, Sec. A, of the Proposals, dealing specifically with "Pacific Settlement of Disputes," was extensively revised by the Technical Committee, and a new draft, prepared by the Technical Committee and further revised as to form by the Coördination Committee, was adopted by the Conference. No doubt, if more time had been available, if less pressure had been brought to bear upon the Conference to conclude its labors within a given period, if certain delegates had felt freer to undertake and consent to a more thorough revision of the original Dumbarton Oaks text, and if the Conference had been so organized as to facilitate to a greater extent good drafting, a better job could have been done.

There still remain some of the original defects of the Dumbarton Oaks provisions. The obligation of the parties stated in Art. 33 remains unclear. Is it intended that the parties shall seek a peaceful solution only of those disputes "the continuance of which is likely to endanger the maintenance of international peace and security," as would appear to be the case, and if so, who is to decide whether the continuance of a dispute is likely to have that result? The suggestion was made at the very end of the Conference that the first paragraph be rephrased to read in part as follows:

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"The parties to any international dispute shall, first of all, seek a solution by negotiation, etc. . . . so that the maintenance of international peace and security will not be endangered." This undoubtedly introduced a new idea into the article, and time did not permit necessary consideration by the technical committee and other organs of the Conference. Such phraseology would have been more in line with the principle of Art. 2, par. 3, and would have presented fewer difficulties of interpretation.

Furthermore, it is not clear from the wording of Art. 37 whether in case of failure to settle the dispute by the means referred to in Art. 33, one party alone can bring the dispute before the Security Council. The wording would suggest that the parties must do so acting together, which would imply the necessity of agreement and open the door to delay and non-performance for various reasons. In the course of discussion in Committee III/2, the view was expressed, and seemed to receive approval, that in case one party should violate its obligation under Art. 33, the other could bring the matter before the Security Council, and that the Council would then be wholly seised of the dispute.[49] It is important, of course, that this interpretation should prevail, and a different phrasing of the first paragraph of Art. 37 could have removed any doubt.

Many students of the subject are no doubt greatly disappointed to see how little advance has been made in the Charter over the provisions of the League Covenant and the Statute of the Permanent Court in extending the jurisdiction of the Court with respect to legal disputes. A good many had hoped that the Statute of the International Court of Justice would provide for a general system of compulsory jurisdiction over recognized categories of legal disputes. As a matter of fact, the Statute does not go beyond the point that had been reached under the Statute of 1920 and the Covenant. Jurisdiction remains optional, though it is provided that declarations by parties to the new Statute accepting the compulsory jurisdiction of the Permanent Court will be treated as declarations under Art. 36 of the new Statute accepting the compulsory jurisdiction of the International Court. At the Conference, an overwhelming majority of the delegations were in favor of a general system of compulsory jurisdiction. Some of these, however, in the end supported the compromise arrangement on the ground that it was more important to have general agreement than to have a more perfect system which would be unacceptable to some states represented at San Francisco.

The Charter plan for the pacific settlement of disputes offers a flexible and adaptable instrument for achieving its purposes. It places primary responsibility upon states to settle their serious disputes by peaceful means of their own choice. It does not attempt to achieve the settlement

[49] The United Nations Conference on International Organization, Doc. 433, III/2/15, May 19, 1945, p. 1.

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of all disputes. If the parties fail to settle their serious disputes by peaceful means, or if situations which cannot be regarded as disputes develop and threaten the peace, the Security Council has broad powers of intervention for the purpose of achieving a peaceful settlement or adjustment. Only if it determines that there is a threat to the peace, a breach of the peace, or an act of aggression does the Council have power to take decisions binding upon members, and then only with respect to measures taken under Arts. 41 and 42 to restore or maintain peace and security.

The Charter system clearly depends for its success upon the willingness of the United Nations, and particularly the permanent members of the Security Council, to work together in a loyal attempt to achieve the purposes of the Charter, acting always in accordance with its declared principles. Assurance of this coöperation is, after all, the only guarantee of success. No doubt there are many improvements in the provisions of the Charter dealing with pacific settlement that we should seek in the years ahead in order to make it a more satisfactory legal basis for this coöperation. Some of the possible modifications have been suggested. Perhaps the greatest single step forward will come when all members accept for their legal disputes the compulsory jurisdiction of the International Court of Justice.

IV. COLLECTIVE ENFORCEMENT OF PEACE AND SECURITY

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The Security Council of the United Nations will, from the first day of its existence, include in its membership all of the great powers.[1] The Council, backed by the united will of the five powers with permanent seats in that body, will act, if it acts at all, with an authority which no organ of the League of Nations ever possessed. In the League Council, there was no time during which all of the great powers participated. Only two of them, France and the United Kingdom, were League members throughout its period of activity. Some may believe that too high a price, or a higher price than was necessary, was paid to insure the participation of the Five Powers, and especially the United States and the Soviet Union, in the United Nations Organization. The price was paid largely in provisions of its Charter relative to the maintenance or restoration of

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[1] By Art. 110 of the Charter of the United Nations, that instrument will not come into force until it has been ratified by each of the Big Five and by a majority of the other signatory powers.

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international peace and security which circumscribe carefully the situations in which the Security Council can take action.

The requirement in Art. 27 of five-power agreement as a prerequisite to any enforcement action is only the most spectacular of the limitations on the Council's freedom to act. This article, which contains the Yalta voting formula, insures that the Council will never act except with preponderant power at its disposal. It also guarantees that the Council will never act when an act of aggression or other breach of the peace has been committed by one of the powers permanently represented on the Council and is unlikely to act against any power having the support of one of the Five Powers.

Arts. 53, 106, and 107 restrict drastically the sphere of Council action for a "transitional" period of indefinite duration. Those interested primarily in the international politics of the twentieth century will want to know exactly to what extent and for how long the Council's full exercise of powers is restricted.

Finally, the Security Council is given broad powers "to maintain or restore *international* peace and security." The United Nations Organization has extensive powers and responsibilities to curb the illegal use of force in interstate relations; it has none to control the use of force in internal political struggles, except in so far as the Security Council determines that a threat to international peace is involved.

These are serious restrictions on the scope of Council action. They demonstrate that in our day the possessors of great power are not willing to put full faith either in the United Nations Organization or in each other. However, the requirement of five-power agreement may well promote the habit of five-power agreement. It seemed to do so at San Francisco. Certainly, whenever energized by the united will of the five permanent members of the Security Council, the machinery for enforcement action designed at San Francisco can operate with impressive efficiency.

The bulk of the provisions relating specifically to enforcement action are found in Chap. VII of the Charter. Following Chap. VI, which defines the powers and functions of the Security Council with respect to a dispute or situation, "the continuance of which is likely to endanger the maintenance of international peace and security," this chapter defines the Council's powers and functions in the presence of an actual threat to the peace or breach of the peace. Article 39, the first article of Chap. VII, provides: "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

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The language of Art. 39 is mandatory, not permissive. If a situation endangering or breaching the peace actually exists, the Council is expected to declare its existence. Furthermore, the Council is not legally free, once it has made such a declaration, to do nothing. It must either make recommendations or take action under Arts. 41 or 42, or do both.

In the event of an actual breach of the peace or an unequivocal act of aggression, the Council would seem to be expected to take some positive action and not to content itself merely with the "recommendations" referred to in Art. 39. With respect to "threats to the peace," the Council may choose merely to make recommendations; but its powers are so broad as to include the power to use force even in such a case. Thus, failure to settle a dispute, the continuance of which was held to endanger peace, might justify the imposition of sanctions.

The wording of Art. 39 does not require the Council to determine in which of the three categories—"threat to the peace, breach of the peace, or act of aggression"—a given situation shall be classified. Whichever the category, the Council's powers are the same; and it may at times be convenient for the Council not to have to determine, in its initial stages at least, whether a situation constitutes a "breach of the peace" or merely a "threat to the peace," or whether a given breach of the peace is or is not the result of an act of aggression.

In sharp contrast with the corresponding provisions of the League Covenant, which conferred coördinate responsibility upon the Council and upon the Assembly, Art. 39 concentrates in the Security Council the entire responsibility for preventive and enforcement action to maintain or restore peace and security. Proposals by the Mexican, New Zealand, and Egyptian delegations to provide in certain cases for the Assembly to participate in decisions to take enforcement action were decisively defeated in the technical committee. The Committee on Enforcement Arrangements felt that any provision to associate the Assembly with Council enforcement might be an obstacle to swift action in a crisis.

There were unsuccessful efforts by a number of delegations, and notably by the Bolivian and Philippine delegations, to write into the Charter a list of criteria for determining the existence of an act of aggression and for identifying the aggressor. This listing would have had the effect of limiting the Council's free discretion under Art. 39, since it would have been bound to impose sanctions whenever a situation occurred falling within the categories listed. Although the United States delegation at Mexico City had two months earlier agreed to inclusion in the Act of Chapultepec of such a list, the Sponsoring Powers were united at San Francisco in opposing such a limitation on the Council's free discretion.

Delegates representing the Sponsoring Powers stressed the danger of

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any listing of types of aggression which might be, or might become, incomplete. The exclusion from such a list of certain types, including some ways of committing aggression which are not now foreseeable, might, they said, create the presumption that an act of aggression which did not fall within one of the categories listed was less flagrant than one that did. Furthermore, the fear was expressed that a provision for automatic Council action in certain contingencies might compel premature enforcement measures, perhaps against the victim of almost intolerable provocation.

Following Art. 39 are three articles which authorize the Council to take provisional measures (Art. 40), to order the application of measures not involving the use of armed force (Art. 41), and to use force in order to maintain or restore peace (Art. 42). The article dealing with provisional measures opens with the words: "In order to prevent an aggravation of the situation, the Security Council may . . . ." Thus the provisional measures, compliance with which the Council is authorized to call for, are designed to conserve the interests and position of the parties concerned during the period in which the Council, under Art. 39, is deliberating what recommendations are to be made or what action is to be taken in order to make a final disposition of the situation or dispute menacing the peace. Since the provisional measures are to be executed by the members concerned themselves, and not by the Council or by third parties, they are not to be regarded as preliminary sanctions. This article, which the Sponsoring Powers proposed at San Francisco as an amendment to the Dumbarton Oaks Proposals, was drafted to give maximum flexibility to Council procedure in a crisis situation.

Arts. 41 and 42 indicate the measures which the Council is authorized to take "to maintain or restore international peace and security." The first confers upon the Council power to call upon the members to apply "measures not involving the use of armed force." The obligation of members to apply such measures is unqualified. It does not depend upon the negotiation of any special agreement with the Security Council in advance of the crisis. However, should thoroughgoing application of such measures be opposed by armed force, the Security Council may find itself compelled to support those measures by other measures involving the use of armed force.

By Art. 41, the Council "calls upon" the members of the United Nations to apply measures not involving the use of force; by Art. 42, the Council itself "takes such action by air, sea, or land forces as may be necessary." The forces which the Council has at its disposal are only those made available in accordance with the special agreements referred to in Art. 43. The obligations of members under Art. 42 are limited by their commitments under Art. 43.

Another provision giving flexibility to Council procedure is found in the

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opening words of Art. 42: "Should the Security Council consider that measures provided for in Art. 41 would be inadequate, or have proved to be inadequate it may . . . ." The Council is thus free, when taking enforcement or preventive action, either first to experiment with measures under Art. 41 or to proceed directly to take action under Art. 42. Swift Council action in cases of flagrant aggression thus becomes possible.

The Charter of San Francisco does not merely give broad powers to the Security Council. Arts. 43–47 provide for machinery of enforcement in those cases in which armed force must be used. It is at this point that the Charter differs most significantly from the Covenant of the League of Nations. The League's Council (or its Assembly) could, under Art. XVI, *recommend* the application of military sanctions; but each member was free to decide what force, if any, it would use against an aggressor. The Security Council of the new organization will be able to *order* the use of force; and, under Art. 43, the extent of each member's obligation to make armed forces, assistance, or facilities available to the Council will be stipulated in advance.[2]

Each member of the United Nations is obligated by Art. 43 to be a party to a special agreement with the Security Council, to be negotiated "as soon as possible on the initiative of the Security Council," in which its commitments to support the structure of collective security are precisely set forth. The Security Council may negotiate either with individual states or with groups of states. The Dumbarton Oaks Proposals had provided that members of the Organization should negotiate such special agreements "among themselves." On the basis of proposals made by the Australian and New Zealand delegations, it was decided instead that the agreements should be made with and on the initiative of the Security Council. This change would seem to permit a more orderly determination of each member's obligations.

Since the Security Council, by Art. 106, is not to assume its full responsibilities for the maintenance of peace until the system of special agreements has been largely brought into force, the negotiation of these agreements will be the main business of the Council in its first months of existence. If the United Nations Organization is to realize the hopes of its supporters, it is well that the Security Council will have this important task to perform during the transitional period in which the Big Five (or Four or Three) are bearing the chief burden of enforcement responsibility. The Security Council may thereby gain the prestige necessary for its later

[2] This development is in a sense a vindication of the French position during most of the inter-war period, that the League system must be strengthened or supplemented by a system of precise commitments. It was appropriate that at San Francisco the *rapporteur* of the Committee on Enforcement Arrangements was France's veteran advocate of collective security and long-time representative at Geneva, M. Joseph Paul-Boncour.

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success because of the important public figures who will participate in the negotiation of the first special agreements.

The French delegation proposed, and the Conference decided, to specify in detail the content of the special agreements. The Dumbarton Oaks Proposals had declared: "Such agreement or agreements should govern the numbers and types of forces and the nature of the facilities and assistance to be provided." The Charter requires, in addition, that the agreements contain provisions regarding "their degree of readiness and general location" of the forces to be made available to the Council. It also specifies that "rights of passage" are among the facilities for which it may be necessary to make provision in the special agreements. Art. 43 thus provides for special agreements which are both comprehensive and detailed.

The terms of Art. 43 are so broad that it is difficult to see what is the additional legal force of Art. 45. The latter article provides that national air-force contingents be held immediately available for urgent enforcement action. The inclusion of this stipulation in the Charter reflects a general belief in the efficacy of the airplane as an instrument of coercion; but the provision in Art. 43 that special agreements should specify "degree of readiness" applies to air forces to be made available under that article. The special agreements might well specify that certain air-force contingents be held ready for immediate action.

An important modification of the Dumbarton Oaks Proposals is the inclusion of Art. 44 to meet a Canadian demand that a nation putting armed forces at the disposal of the Security Council should participate in decisions of the Council regarding the employment of those forces. The substantial contribution of Canada to the success of the United Nations in the present war earned for that country's delegation at San Francisco a careful and sympathetic consideration of its proposals regarding enforcement action. By Art. 44, the Council, after first determining that in a given situation force is to be applied, must give any member not represented on the Council whose armed forces it proposes to use an opportunity to participate in decisions involving the use of those forces. Members not represented on the Council will be invited to sit with it one at a time. Each such member will thus participate only in decisions regarding its own forces. It will supply the forces whether or not it agrees with the decision. Over strong Egyptian protest, the Committee on Enforcement Arrangements voted not to give the same right of participation in Council decisions to members supplying only "assistance and facilities," even though the facility furnished be the Suez Canal. The provisions in Art. 31 for consultation between the Security Council and a member of the United Nations not represented on it, and in Art. 47 for consultation between the Military Staff Committee and a member not represented on it, were held to meet Egypt's legitimate requirements.

Arts. 46 and 47 provide for the creation of a Military Staff Committee

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to assist the Security Council in planning for the application of armed force. Only the permanent members of the Council are to be represented; and its creation further emphasizes the special responsibilities for the maintenance of peace which the strong are jointly assuming, and which they insist upon assuming.

The Military Staff Committee is to be a committee of experts composed of "the Chiefs of Staff of the permanent members of the Security Council or their representatives." Apparently the Anglo-American Combined Chiefs of Staff, so successful during the present war, has furnished the model for the Committee. In addition to advising and assisting the Council on a variety of matters in which the expert knowledge of military men is valuable, the Committee is to be responsible for the strategic direction of armed forces placed at the disposal of the Council. "Questions relating to the command of such forces shall be worked out subsequently," presumably after it has been decided in a given situation which members' armed forces are to be used and in what proportions.

In the technical committee, there was general approval of the text of Art. 47. Pressure to increase the size of the Military Staff Committee subsided when provision was made for the Committee to establish, "with the authorization of the Security Council and after consultation with appropriate regional agencies," regional subcommittees. It is not stipulated that the Committee must come to an agreement with or have the approval of "the appropriate regional agencies" in such action, but only that it must consult with them.

At the very end of the list in Art. 47, par. 1, of the technical military matters concerning which the Military Staff Committee is to advise the Security Council, there is a reference to "the regulation of armaments, and to possible disarmament." This corresponds to the arrangement of Arts. 24–26. Arts. 24 and 25 state the responsibilities of the Security Council and the obligations of the members to maintain peace and security. Only after that, in Art. 26, is there provision for formulating plans for the control of arms, so that international peace and security may be maintained "with the least diversion for armaments of the world's human and economic resources." Thus the Charter registers the conviction of many today that disarmament must grow out of security, and not security out of disarmament, as was so widely believed in the period between the two wars. The term "regulation of armaments, and possible disarmament," also shows a significant change from Geneva days. Recognizing that ill-advised disarmament may be as disturbing to the peace as aggressive rearmament, the Charter as drafted envisages a system of regulation in which both minimum and maximum levels of armament are prescribed.

Art. 48 refers both to military and non-military enforcement measures.

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Its first paragraph permits the Council to determine whether all or only some of the members of the United Nations are to carry out a given decision. Thus, the Council may decide that enforcement action by states remote from a particular region will not be required. By its second paragraph, members are required to use their membership in other international agencies so as to help carry out the decisions taken by the Council. Thus, as a member of the World Monetary Fund, a member would be bound to try to stop the extension of credit to a state against which preventive or enforcement action was being taken.

Art. 49 promises to members of the United Nations "mutual assistance" in carrying out Council decisions. Art. 50 provides that in case the accident of geography or the facts of international trade impose upon a member special economic hardships as a result of enforcement action taken by itself or other states, that member may consult with the Security Council regarding a solution of its problems. Thus the Balkan states, if asked to shut off the flow of grain to a Central European aggressor, or a Latin American state, if its one-crop economy were dislocated by a blockade of its chief market, or Egypt, if it were called upon to deny the use of the Suez Canal to a powerful aggressor, might expect under these two articles alleviation of the special difficulties involved. Art. 50, and possibly also Art. 49, may be invoked to secure an equitable redistribution of the expenses of enforcement.

The system of general enforcement arrangements is set forth in Arts. 39–50 of the Charter. The four articles which follow, Arts. 51–54, provide for the integration of a variety of regional arrangements into the world-wide system envisaged in the Charter. Each of the four articles contains provisions designed to assure the superior authority of the Security Council and the supremacy of the United Nations Organization in relation to regional action; but the very extensive liberty of action reserved for regional groups or agencies in these articles shows a significant change between the document of Dumbarton Oaks and that of San Francisco.

The Dumbarton Oaks Proposals had provided that nothing in the Charter was to preclude the existence of such regional arrangements to maintain or restore peace "as are appropriate for regional action." Enforcement action by regional agencies was to be taken only after authorization had been secured from the Security Council, and the Council was to be kept fully informed of the proposed action of regional agencies. These provisions have been retained, but they were regarded as inadequate by many delegations to the San Francisco Conference. Its technical Committee on Regional Arrangements had to consider three types of amendments dealing with enforcement matters.

A first group of amendments was designed to reconcile the terms of the Charter with those of the Act of Chapultepec of March, 1945. By that

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act, the traditional Western Hemisphere policy against the intervention of non-American powers in inter-American affairs was broadened to provide for collective action by all the American Republics against any aggressor, whether from the Old World or from the New. Although in its present form this collective guarantee against aggression is for the duration of the war only, the Latin-American delegations were insistent, and the United States delegation was in agreement, that the wording of the Charter should not prevent extension of the terms of the Act of Chapultepec into the post-war period. The American Republics were particularly anxious that no Old World power be in a position to veto New World enforcement action.

A second group of amendments, largely emanating from European powers, aimed at protecting the legal status of pacts of mutual assistance, and particularly such pacts as the Anglo-Russian treaty of May 26, 1942, to prevent a renewal of German aggression. The signatories to these pacts did not wish to lose, by signing the Charter, the protection which they had gained by negotiating the pacts.

A third group of amendments, sponsored by Australia and Belgium, would have affirmed the right of regional action in case the Security Council failed to act. These two powers also proposed to accomplish a similar purpose by modifying the Yalta veto formula in cases of regional enforcement action.

The demands of the delegations sponsoring these three groups of amendments were largely met in Arts. 51 and 53 of the Charter, both of which permit exceptions to the general requirement in Art. 53 that regional enforcement action be taken only with the prior authorization of the Security Council. By the first of these, Art. 51, "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations" is declared to be in no way impaired by the Charter "until the Security Council has taken the measures necessary to maintain international peace and security." Pending Security Council action to restore the peace—and such action would involve Big Five agreement—individual or collective regional action to repel and suppress an aggressor is permitted.

The signatories to the Act of Chapultepec are thus free to prolong the life of that pact into the peace period. They are also assured that there will be no interference with the operation of the inter-American security system, in the event of an actual rupture of the peace, so long as the United States, by its vote on the Security Council, opposes such interference. Similarly, the signatories to various European mutual assistance pacts are assured that the Charter does not invalidate promises made to come to each other's aid in the event of armed attack. Finally, the gap in United Nations enforcement procedure left by the possibility of five-power disagreement at a time when action to maintain or restore peace

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may be urgently necessary is narrowed by authorizing "individual or collective self-defense."

Art. 51, by explicitly affirming "the inherent right of individual or collective self-defense," leaves the way open for members of the United Nations, acting outside the Organization, to act legally against any aggressor, whether the aggressor be one of the Big Five or not. The Security Council—except in the unlikely event that seven of its members, including all of the Big Five, support the aggressor—could not legally oppose some action. The authorization in Art. 51 of "collective self-defense" would even permit the formation, without contravening the provisions of the Charter, of a world-wide coalition against a great-power violator of the peace.

The other exemption of regional enforcement action from the general requirement of prior Council authorization is found in Art. 53. It is most profitably discussed in connection with Chap. XVII, dealing with transitional security arrangements. The second article of this chapter, Art. 107, debars the Security Council from interfering with action "taken or authorized as a result of that [the recent] war by the Governments having responsibility for such action," to control states vanquished in the Second World War or prevent a renewal of aggression by them. Efforts to define with greater precision the action authorized under Art. 107 and the time period during which this transitional arrangement is to operate were resisted by the Big Five delegations. They insisted upon, and finally secured, approval of the article in substantially its original form.

Art. 53 excludes from Council supervision any regional action taken pursuant to Art. 107, and also excludes other regional arrangements "directed against the renewal of aggressive policy" by the ex-enemy states. Pacts of mutual assistance might already have been brought into operation without prior Council authorization under Art. 51, but only in case of armed attack against one of the signatories. By Art. 53, action under such pacts, if the pacts are directed against an ex-enemy state, may be taken, without reference to the Security Council, whenever in the judgment of the signatory states enforcement action is necessary, whether or not one of the signatories has been a victim of armed attack.

Art. 106 makes provision for the maintenance of international peace and security during the period in which the system of special agreements referred to in Art. 43 is being brought into force. It empowers and obligates the governments of the five powers permanently represented on the Council "to consult with one another and as [in their judgment] occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security." This transitional concentration of authority in the five powers is to last until "in the opinion of the Security Council" enough agreements have been negotiated for

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it to assume its whole enforcement responsibilities. Since the Yalta voting formula would apply to such a Council decision, any one of the Big Five can prolong the period during which Art. 106 is to operate.

The analogous provision in the Dumbarton Oaks Proposals failed to make clear who would decide when the Security Council was to be permitted to assume its full responsibilities. The delegations of the Sponsoring Powers and France at first took the untenable position that the original Dumbarton Oaks text was incapable of improvement. By a very large majority, the delegates of the smaller powers rejected the original text and thus registered their disagreement with this position. The five powers, after an interval, produced a more generally acceptable redraft which made plain that it would be for the Security Council itself to decide when it should take over enforcement responsibilities.

In the course of the debate on this article, representatives of the Sponsoring Powers gave some explanations which further clarify its rather general provisions. The Security Council would from the first perform all functions relating to the maintenance of peace whose efficient performance does not depend upon the coming into force of the system of special agreements. The five powers would during this period be expected to furnish the armed force for enforcement action. Consequently, the five powers may wish to distribute the burdens of enforcement as widely as possible and to keep to a minimum the period during which Article 106 is to be operative.

It is the great virtue of the security system created at San Francisco that the distribution of the risks and responsibilities of enforcement action takes account of present-day patterns in the distribution of power. Furthermore, the Charter keeps in close correlation the share which each member has in the making of a decision to take enforcement action and the burdens which that decision will impose upon the member.

By virtue of their permanent membership on the Council, their permanent and exclusive membership in the Military Staff Committee of the Council, their special responsibilities in the transition period, and their veto rights under the Yalta voting formula, the five permanent members of the Security Council have the greatest share in the making of decisions. As the recent war has demonstrated, they also have, in the event of any large-scale use of force, the gravest responsibilities for their execution. Their leaders might have chosen to form a grand alliance to keep the peace, but they have instead tried to combine the advantages of grand alliance and of universal participation in the United Nations Organization.

The six members of the United Nations who will also be represented on the Security Council are by Article 23 to be chosen with "due regard being specially paid . . . to the contribution of members of the United Nations to the maintenance of international peace and security." This can only

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mean that the so-called "middle powers"—Australia, Brazil, Canada, and the Netherlands, for example—are to be chosen with greater frequency than say Lebanon, Liberia, or Luxembourg. Also, by Art. 44, those members furnishing armed forces to the Security Council in a given enforcement action are to sit with the Council in making decisions regarding the use of such forces. In the late war, it was typically the middle powers that added armed forces to those of the great powers—again, such states as Australia, Brazil, and Canada.

By Arts. 24, 25, 41, 43, and 48, all members of the United Nations obligate themselves to act upon the call of the Security Council, in which body only a fraction of the members are represented. The members not represented may therefore be called upon to share in the execution of decisions in which they have had no part. The smaller powers are, however, safeguarded against an unjustifiable drain of their human and economic resources. Art. 43 provides that the extent of the force which each member puts at the disposal of the Council is to be determined by negotiation between the Council and that member. Arts. 49 and 50 contain the promise of assistance when the burdens of enforcement are beyond the capacity of the enforcing power. The Yalta voting formula gives to the small power assurance that it will not, as a result of Council action, have to support a group of great powers using force against another great power. It is in such conflicts that small powers have traditionally been most gravely injured.

Finally, the small powers, by their domination of the General Assembly, have a voice in the maintenance of peace and security. That body chooses a majority of the members of the Security Council, and the Council cannot act without the affirmative vote of at least two of its elected members. The Assembly, by Art. 15, is to "receive and consider annual and special reports from the Security Council." It has, in addition, under Arts. 10–14 a general right, subject only to the limitation in Art. 12 by which the Assembly is forbidden to make recommendations with regard to any dispute or situation being dealt with by the Security Council, to consider and make recommendations on any matter directly or indirectly concerned with the maintenance of international peace and security. The Assembly thus can become a forum of world opinion.

The General Assembly may speak, and may possibly speak with a powerful voice; but it cannot act. The whole field of preventive and enforcement action is reserved to the Security Council. The fifty delegations represented at San Francisco did not forget that it took the armed might of the United Nations to repel the armed hordes of fascism. They were willing that the primary responsibility for enforcement action should lie with those who will have in time of peace the preponderant power they demonstrated in time of war.

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V. COLONIAL QUESTIONS AT THE SAN FRANCISCO CONFERENCE

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No reference was made in the Dumbarton Oaks proposals to colonial questions, and this, the most important omission among the subjects covered in the Covenant of the League of Nations, brought forth immediate comment. There was, first of all, the problem of those territories held under mandate as part of the League of Nations system. They were all under the administration of members of the United Nations, except for the former German islands in the North Pacific, which were under mandate to Japan. If the new organization was to supplant the League, some formal changes would, in any case, be required.

A second problem was the disposition of such territories as had been taken from Italy and would be taken from Japan. If the self-denying ordinances of the Atlantic Charter and the Cairo Declaration were to be taken literally, there would be territories to dispose of which could hardly be turned into colonies.

Finally, the unfortunate experiences of many European states during the earlier years of the war in the Asiatic and Pacific territories under their control had caused a large amount of discussion of colonial questions. The belief had been voiced in various quarters that colonial administration needed modernizing, that self-government of the natives was not always their goal, and that colonial problems should be considered as international problems and not merely problems of individual colonial powers. Some of these powers looked upon the United States as the center of anti-colonial feeling, and even went so far as to suspect the United States Government of a desire to force changes on them. It was held by some groups in the United States that, as these colonies would be freed largely by American arms, the United States thereby would acquire some responsibility for their future. As the war situation improved and the colonial powers began to think about a peacetime future, they started to make tentative schemes for colonial reform which might avert any sort of outside intervention or internationalization. The British Colonial Development and Welfare Bill, the French proposal to unite all colonies in a "union" with the metropole, the Dutch proposal for a federalized state, all seemed related to the anti-imperial trend of the early days of the war.

When the Dumbarton Oaks conversations on international organiza-

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tion were held, the participating governments were not ready to discuss these colonial questions. It was understood, however, that they would be taken up later and would appear on the agenda of the conference of all the United Nations,[1] which later took place at San Francisco.

The Five Powers and Trusteeship. At Yalta, the three leading conferees agreed on certain basic proposals for an international system of trusteeship which was to apply to territories in three categories only: (1) territories held under mandate, (2) territories detached from enemy states as a result of World War II, and (3) territories voluntarily placed under the system by states responsible for their administration. No territories would come under the system automatically. After the system had been set up, an individual agreement would be concluded for each territory to be brought thereunder, and the terms for each agreement would in all probability be worked out separately. The Yalta Conference also decided that the four powers sponsoring the San Francisco Conference should, together with France, meet before the Conference to draw up specific proposals on trusteeship.

The preliminary conversations did not occur—or rather were held by representatives of the five powers after their arrival in San Francisco. At San Francisco, consequently, delegates of the five powers were engaged in two consultations—first, with their great-power colleagues, and also with representatives of all the other United Nations. This caused delay, but did not prevent the fullest and freest discussion of trusteeship in the Conference Committee; nor did it transfer the locus of final decision from the Committee. What it did mean was that in the work of this Committee the representatives of the five powers were actually an effective directing group—a rôle which they failed to maintain in some of the other committees.

The Organization of the Conference as Related to Trusteeship. The Conference assigned the discussion of a trusteeship system to Commission II, which dealt with the General Assembly, and created for it a special Committee under that Commission, Committee 4. As proposed by the Steering Committee, the chairmanship of Committee II/4 went to New Zealand and was taken by the head of its delegation, the Rt. Hon. Peter Fraser, prime minister of his country. The position of *rapporteur* was assigned to Luxembourg. Joseph Bech, foreign minister of that country, was at first designated to the post, but was obliged to return to Luxembourg in May, and his place was taken by Hughes Le Gallais, the minister of Luxembourg to the United States.

The Secretariat of the Committee, part of the international secretariat

[1] See the *Report to the President on the Results of the San Francisco Conference . . .* (Department of State Publication 2349), 1945, for a brief presentation of the background of the negotiations on trusteeship.

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of the Conference, consisted of Eugene P. Chase, of the Division of Dependent Area Affairs of the Department of State, secretary; Harold Beeley, of the Research Department of the British Foreign Office, associate secretary; and three assistant secretaries: Miss Ruth Bacon, of the Near Eastern Office of the Department of State, Amry Vandenbosch, of the University of Kentucky (formerly of the Department of State), and William Yale, of the Office of Near Eastern Affairs of the Department of State.

Committee II/4 occupied a peculiar place in the work of the Conference. It dealt with a specialized problem, which was, for the most part, separate from the problems before the other Committees. In fact, this question of trusteeship commanded the very best attention of certain of the delegations. Until the very end, when the major political issues of the Conference were being fought out elsewhere, the Trusteeship Committee had a large and steady audience of delegates, advisers, and members of the Secretariat, and it met in the largest of the Committee rooms.

The representatives of most of the delegations on the Committee remained unchanging. The spokesman for the United States was invariably Commander Stassen, for Great Britain Lord Cranborne, and for the Soviet Union Mr. Novikov. Mr. Naggiar usually represented France, and Wellington Koo spoke for China. Australia's views were put forward by Dr. Evatt, and Mr. Smuts for South Africa, Dr. Goulimis for Greece, Badawi Pasha and Mr. Awad for Egypt, Al-Jamali for Iraq, Al-Khouri for Syria, and General Romulo and Mr. Kalaw for the Philippines were important and, on certain questions, constant speakers. Little was contributed by the Latin American nations, and a number of delegations, like that of Canada, while influential in other Committees, were silent in Committee II/4.

Documentation. The terms of reference for Committee II/4 were stated in the memorandum on the Organization of the Conference, adopted in plenary session, as follows: "To prepare and recommend to Commission II, and to Commission III as necessary,[2] draft provisions on principles and mechanism of a system of international trusteeship for such dependent territories as may by subsequent agreement be placed thereunder." Since there were no Dumbarton Oaks proposals on trusteeship, proposals for consideration by the Committee were made by various delegations, and the deadline for receiving them was fixed at May 11—more than two weeks after the Conference began—though the Committee did not refuse to receive proposals which came in later.

By May 11, the Committee had before it full-dress proposals offered by six national delegations: those of the four sponsoring powers, of France,

[2] No recommendations were in fact made to Commission III.

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and of Australia. There were also incidental suggestions from a few other delegations. The Australian, French, and United States proposals were published as Conference documents on May 5, those of the United Kingdom on May 6, those of China on May 10, and on May 11 those of the Soviet Union, which were called "Amendments of the Soviet Delegation to the United States Draft on Trusteeship System." The proposals of the other sponsoring powers and France all followed the pattern set by the American paper. The Australian proposals were different in form and quite different in content, since they provided for stricter supervision by the United Nations and for the possibility of putting colonies under trusteeship without the consent of the metropolitan power.

The Working Paper. Eventually, on May 15, Commander Stassen presented formally to the Committee a Working Paper, in two Parts (A) and (B), which had been drawn up by the American delegation after consultation with other delegations (in particular, those of the other four great powers). This was accepted by the Committee, with the condition that there should be provision for discussion of additional Australian proposals which were expected, and which were formally put before the Committee on May 25 as a Proposed New Part (C). Debate on the Working Paper began on May 17 and continued until the final acceptance of the paper, greatly amended, on June 18.

The Charter Provisions on Trusteeship. The proposals approved by Committee II/4 and Commission II, after the Coördination Committee had revised them for form, appeared as three chapters of the Charter—a Declaration Regarding Non-Self-Governing Territories (Chap. XI) and two chapters on trusteeship, International Trusteeship System (XII), and Trusteeship Council (XIII).

I. THE DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

In a sense, the trusteeship proposals were a modernization of the mandates system. The Declaration, on the other hand, was something distinctly new, being an outgrowth of innumerable liberal ideas on colonial administration and native welfare. It was confessedly objectionable to delegates of certain colonial powers and received the enthusiastic support of only a few. It was carried through the Committee partly by the feeling that the liberals deserved to get something, and partly by the pressure exercised by Australia, the United States, and China. Originally, the Declaration had been a part of the British trusteeship plan—largely a restatement and extension to all dependent territories of the provisions of the first paragraph of Art. 22 of the League Covenant. The Australian Delegation later submitted its paper called "Promotion of Welfare and Development," setting many standards to be lived up to and proposing many restrictions on colonial powers. This paper was typical of the more

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radical policy of Australia and New Zealand in the Conference, and although it was too extreme for general acceptance, some of its important points went into the Declaration.

What eventually emerged in the Declaration was a statement of obligation assumed by such members of the United Nations as are responsible for the government of dependent territories. Revised and reworded again and again to meet political, literary, and historical objections, the Declaration cannot be paraphrased. The enacting part is the first paragraph (Art. 73):

> "Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:"

This, it should be noted, is a statement by *each* of the members concerned that it recognizes a principle and accepts a responsibility.

The first item which needs comment is the *category* of territories affected: those "whose peoples have not yet attained a *full* measure of self-government." This is perhaps the most satisfactory definition of dependent peoples that has yet been found; the concept is easy to hold in the mind, though difficult to formulate in words. The *principle* that the people's interests are paramount represents the most enlightened thinking on the subject. The *obligation* to promote their well-being (accepted as a sacred trust in reminiscence of Covenant language) is serious and far-reaching, and the specific items which follow the first paragraph add rather than detract from the comprehensive nature of the Declaration.

It must be noted, however, that the Declaration is unilateral. For a time, the first paragraph ended with the words "they undertake:" These words, however, were revised at the insistence of the delegates of one sensitive colonial power who maintained that their government could never take part in a *joint* pledge or undertaking. They objected also to calling the Declaration a statement of policy. It is thus a unilateral declaration, made by each signatory on its own behalf. No specific sanction is provided, but appropriate references to the Declaration in discussions in the General Assembly may be expected, and the sanction of public opinion cannot be ignored. For the first time in history, moreover, such a Declaration has been embodied in a general world-wide treaty, so that its significance and implications cannot be considered of purely domestic interest to each declarant state.

The specific *undertakings* are effectively itemized. To ensure "the political, economic, social, and educational advancement" of the dependent

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peoples, is straightforward and comprehensive, if general. It is interesting that delegates of certain member states with experience of recent rapid political advancement were those who pressed for the inclusion of the word "educational" as the basis of all native development, but also sponsored the proviso "with due respect for the culture of the peoples concerned." Reminiscent of the General Act of Berlin of 1885 and the Covenant of the League is the phrase "their protection against abuses."

"To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement," is a statement which resulted from much argument. "Independence" was not mentioned as a goal, for the single reason that no colonial power except the United States looks upon it as a normal and natural outcome of colonial status—and it must be remembered that the Conference was a conference of governments and not of dependent peoples. Nevertheless, had not the controversy over the use of the word "independence" arisen, it would be clear that the language of the Declaration actually includes independence (or, as the precisionists would say, was patent of that interpretation) when it refers to "progressive development of their free political institutions." What is the meaning of the phrase "free political institutions" if it does not at least include potential independence?

In the repeated reference to "international peace and security" is a reminder that everything within the Charter must serve that primary end. Even the welfare of dependent peoples must be subject to the needs of international peace and of that security which (as one delegate said) must mean something more or less than peace. "To promote constructive measures of development, to encourage research, and to coöperate with one another" is language suggestive of the regional commissions which the Charter does not specifically mention, though the example of the Anglo-American Caribbean Commission was present in the minds of many delegates, particularly those with interests in the southwest Pacific.

The final paragraph of the Declaration is the only one providing any machinery. The colonial powers undertake "to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply [i.e., Trust Territories]." This provision is far from giving the United Nations Organization the authority to meddle in colonial affairs, although it is presumably intended that the reports will be made public

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and can be discussed in appropriate international bodies. Certain colonial powers have published such reports in the past, but this is the first time that all of them have undertaken to do this and do it regularly. Mr. Abe Fortas, the under-secretary of the Interior and one of the advisers to the United States delegation at the Conference, made it clear, in a recent letter to Representative Bartlett of Alaska, published in the *Congressional Record* of July 19, 1945, that the Interior Department was only too glad to furnish such information, and that "the provisions of Chap. XI may fairly be said to be based upon the traditional and current policy of this Government with respect to territorial administration."

In detail, the Declaration may seem to lack novelty. As one British journal says, "It does not introduce any new or revolutionary doctrines, and to a large extent it only expresses what have been the declared aims and objects of British colonial policy for a long time. Its importance lies in the fact that all other Powers with colonial possessions have now assented to these principles. To that extent, what is called the *colonie d'exploitation* must become a thing of the past."[3]

II. THE TRUSTEESHIP SYSTEM

The trusteeship system is a modern adaptation of the League mandates system, with provision against some of the weaknesses of that system. Its first characteristic is that it is voluntary. The San Francisco Conference was primarily establishing machinery which *might* be used. In no part of the Charter is this clearer than in regard to trusteeship. It merely provides a "system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements." The territories to which the system may be applied are, as mentioned previously, in three categories: "a. territories now held under mandate; b. territories which may be detached from enemy states as a result of the Second World War; and c. territories voluntarily placed under the system by states responsible for their administration."

These categories, it is true, cover all the dependent areas in the world, although, in the present state of nationalist feeling, it seems unlikely that any colonial power will voluntarily put a colony of its own under the system. Conditions, however, may change, and the Charter is intended to last a long time. Category "c" need not be confined to colonies. Areas in dispute like the Dodecanese might find themselves governed in this way by decision of the Big Three or the Peace Treaty. In Committee II/4, there was no suggestion that this category might cover metropolitan areas, or even entire countries like Germany and Japan; but this was suggested by Professor Frederick L. Schuman in the *New York Times* of August 12, 1945.

[3] *African World*, June 30, 1945, p. 438.

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The basic objectives of the trusteeship system are elaborately stated in the Charter. International peace and security comes first; then follows the promotion of "political, economic, social, and educational advancement of the inhabitants of the trust territories and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement."

Here "independence" takes its place as one of the possible goals of a dependent people, although "self-government" is an alternative. The point was often made in Committee II/4 that independence in a dangerous world was not always practicable or desirable. Spokesmen of certain imperial powers maintained that many colonial peoples preferred dependence. British subjects, including the prime minister of New Zealand, insisted that dominion status in the British Commonwealth was far finer than independence. Perhaps Dr. Van Mook of the Netherlands expressed a wise judgment when he said that whatever the terms used in the Charter, when a people are ready for independence they will secure it—and he spoke in the presence of delegates from the Philippines, from Egypt, from Iraq, from Syria, and from the Lebanon—all of whom could look back to a recent colonial past.

Another basic objective is "to encourage respect for human rights and for fundamental freedoms for all." And a final one, cautiously stated, is "to ensure equal treatment in social, economic, and commercial matters for all members of the United Nations and their nationals." But conditions are attached to this objective, and trustee powers are not committed so specifically as in the "B" mandates for Africa.

The Administration of Trust Territories. On what terms and in what way will trust territories be administered and this administration be supervised? For each territory placed under trusteeship, a separate trusteeship agreement will be made, designating the administering authority and indicating the terms of trusteeship. Each territory will be a separate case. The possible differentiation, of a purely administrative sort, is increased by the fact that the administering authority may be "one or more states of the Organization itself." The mixed international commission, like the Saar Basin Governing Commission, whose usefulness was clearly demonstrated after World War I, although not in the colonial field, can still be used. Some uniformity in the terms of trusteeship seems intended by the final requirement that the appropriate organ of the United Nations will have to approve each trusteeship agreement before it becomes effective.

One basic differentiation within the system is the provision for two sorts of areas within trust territories—strategic and non-strategic. In the

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first, the Security Council exercises such functions as the United Nations possesses in regard to trusteeship, including the authority to approve the terms of trusteeship. In the second, the General Assembly or, under its authority, the Trusteeship Council, speaks for the United Nations.

The question of a strategic area and its relation to general security is one on which the implications (though perhaps not the text) of the chapter are clear. A power which exercises trusteeship may wish to maintain a base for its own security as well as for general security, and in that case might wish to guard its secrets even from other members of the United Nations. It can do this if the other "states directly concerned" with the territory agree, and if the Security Council agrees also. Within the strategic area, the administering power has a freer hand than in the rest of the trust territory. It need not necessarily make reports nor submit to visitation, and it comes under no supervision from the General Assembly. It is bound to apply to the people of the area the same basic objectives as those applicable to non-strategic areas, and the Security Council is expected "to avail itself of the assistance of the Trusteeship Council," in looking after native welfare. From the greater detail and precision directed to a consideration of "non-strategic areas," it would seem that the Committee expected strategic areas to be a minor element in the trusteeship system.

Special interest in this country has been directed to the effect which this program will have on the disposal of the islands in the Pacific which the United States has taken from Japan, both mandated islands like Saipan and others like Okinawa. There is no legal obligation on the United States to place these islands under trusteeship, and if this is done, the terms of the trust will no doubt be satisfactory to the Government as a whole, including the War and Navy Departments. Both of these departments, in reference to the trusteeship chapters, as well as to other chapters, have expressed the opinion that "the military and strategic implications" of the Charter "as a whole are in accord with the military interests of the United States."[4]

In addition to the provisions for "strategic areas," there are also stipulations in Art. 84 that all trust territories shall play their part in the maintenance of international peace and security. For this purpose (as well as for local policing), the administering authority may create defense facilities, may raise armies, and may use them to carry out obligations undertaken towards the Security Council. Under the League system, mandated territories were expected to be demilitarized. Under the trusteeship system, the trust territories may properly become centers of military power.

Protection of Existing Rights. One of the most interesting (and one of the

[4] Report of Senate Foreign Relations Committee (p. 5), July 16, 1945.

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most hotly disputed) articles in the trusteeship chapters is Art. 80—the so-called "conservatory clause." This clause resulted from the fears of mandatory powers lest their legal position in the mandated territories be taken away out of hand by the trusteeship system. There were also fears on the part of minority groups (such as the supporters of the Jewish people in relation to Palestine) lest their privileges under the League Covenant and the mandates should be taken away. Art. 80, therefore, states that "nothing in this chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties." This guarantee holds unless and until trusteeship agreements are made regarding the individual territories concerned. Such a guarantee seems to give to each party with a legal interest, and particularly the mandatory powers, a *liberum veto* against any change in their position. There is, therefore, added the stipulation that this guarantee shall not give grounds for delay in the making of trusteeship agreements. Vested interests might hold up the transformation of mandates into trust territories, but they are under a moral obligation not to use this stipulation indefinitely for that purpose. The Union of South Africa, however, made it clear at San Francisco that it did not intend to transform the South West African mandate into a trust agreement, since it proposed to incorporate this territory into the Union.

The Trusteeship Council. The administration of trust territories is in the hands of the administering authority. Supervision of this administration on behalf of the United Nations is, in the case of non-strategic territories, entrusted to the General Assembly and to an agency of the General Assembly established for that purpose, the Trusteeship Council. To indicate the standing of the Trusteeship Council and the importance of its work, it was created one of the principal organs of the United Nations.

The Trusteeship Council consists of members of the United Nations, each of which is to be represented in the Council by "one specially qualified person." Each administering authority becomes *ipso facto* a member of the Council as does each of the five great powers, whether it administers a trust territory or not. The rest of the Council is elected by the General Assembly, which is to elect enough additional members so that those representing non-administering states will equal those representing administering states. This Council is given, directly, only one specific power—to draw up a questionnaire upon the basis of which each administering authority will make an annual report to the General Assembly. It is anticipated, however, that the Trusteeship Council will act as the agency of the General Assembly in carrying out the supervisory powers given to the "General Assembly and, under its authority, the Trusteeship Council" (Art. 87). These include the power to consider reports from the ad-

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ministering authority, to accept and examine petitions, to provide for periodic visits to the trust territories, and to take "other actions in conformity with the terms of the trusteeship agreement." The administering authority must be appropriately consulted in all these matters. The Trusteeship Council will have a staff, provided from the Secretariat of the Organization, and it is to avail itself of the assistance of the Economic and Social Council and other "specialized agencies" of the organization. Substantive decisions of the Trusteeship Council will be taken by simple majority, of the General Assembly by a two-thirds vote, and of the Security Council by seven out of eleven votes, including the concurring votes of all the five great powers. In the mandates system, the Permanent Mandates Commission voted by simple majority, but the Council and Assembly of the League were required to act by unanimity.

Termination of Trusteeship. Will a trust territory always remain in a state of tutelage? Can it ever obtain freedom from its dependent status? Art. 78 implies one method by which trusteeship can terminate—when the trust territory is admitted as a member of the United Nations. However, no specific provision is made for the termination of trusteeship. In many cases, no doubt, the status will necessarily be long-continued. Trusteeship agreements may, however (and it is to be hoped that in appropriate cases they will), include provisions for the possible modification or termination of the trust, in the interest of the people concerned. It will be recalled that this was done in the case of certain "A" mandates under the League of Nations.

Conclusion. When the work of Committee II/4 was begun, there was grave doubt whether there would emerge from it a plan so full of constructive possibilities as the trusteeship system and a statement so full of promise for the native peoples as the Declaration. The Committee finished its work, however, in a mood of self-gratulation, and the enthusiasm communicated itself to the Commission when the Committee's report was made. These three chapters of the Charter certainly open up far-reaching possibilities for the progressive advancement of non-self-governing peoples.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Consultation by President John M. Gaus and Secretary-Treasurer Kenneth Colegrove with various officers and members of the American Political Science Association regarding resumption of the Association's annual meeting on a larger scale than in the recent war years has revealed considerable opinion to the effect that a meeting approaching the traditional type (a "1945" meeting, but held early in 1946) should be undertaken. The drift of opinion has seemed also to favor Washington as the place and late January as the time—Washington (for one more year) because of the number of political scientists still working there, as well as the greater opportunity for enlisting government officials for the program; and late January, for the reason that the Christmas period ought still to be avoided, and that, while there is no other single period at which members can readily get away from the colleges and universities, those connected with institutions still operating on a semester basis are commonly free during the last week of January or thereabouts. Should a Mid-Western city be chosen as the place for the meeting, previous commitments point to St. Louis rather than the more customary Chicago. The chairman of the committee on program is Professor Pitman B. Potter, 2 Jackson Place, Washington, D. C.

At the University of Minnesota, Dr. Lennox A. Mills has been advanced to a full professorship.

During the past summer, Professor J. Lloyd Mecham, of the University of Texas, conducted courses in the summer session of the University of Mexico.

Dr. James H. Meisel has been appointed lecturer in political science at the University of Michigan for the academic year 1945–46.

Miss D. Beatrice McCown, recently teaching at Vassar College, has accepted and is now occupying a position at Bryn Mawr College.

Professor Harold W. Bradley has resigned his position at Stanford University to become associated with the Claremont Graduate School at Claremont, California.

Miss Rita Davidson, who taught at New York University during the recent summer session, has accepted an instructorship at Wheaton College, Massachusetts.

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Professor Allan Saunders, of Amherst College, conducted courses at the University of Washington during the first term of the recent summer session.

At the University of Kansas, Dr. Hilden Gibson has been promoted to the rank of associate professor.

At the University of Texas, Miss Florence Spencer has been advanced to the rank of assistant professor.

Mr. Nicholas Efimenco, instructor at the University of Minnesota, has been appointed to an associate professorship at Lake Forest College.

Dr. Ossip K. Flechtheim, who has served as instructor in government at Bates College since 1943, has been promoted to an assistant professorship.

Dr. Leroy C. Ferguson, of Northwestern University, has been appointed assistant professor of social science in the Basic College at Michigan State College.

Dr. William B. Munro, who has held the Edward S. Harkness professorship of history and government at the California Institute of Technology since its establishment, became *emeritus* professor on September 1, 1945. On the same date he was elected treasurer of the Institute and a member of its board of trustees.

Professor Harvey Pinney, on leave from New York University, transferred in September from the assistant directorship of the Budget and Planning Office, OPA, to the OPA History Branch as chief of the Branch and OPA Historian. He is conducting a seminar this fall at the American University on "Emerging Political Ideas."

Professor Smith Simpson, on leave from the University of Pennsylvania and formerly chief of the International Labor Organization's branch of the Division of International Labor, Health, and Social Affairs of the State Department, expects to remain in Brussels for some time as labor attaché at the United States Embassy.

Dr. John McDiarmid, who has been on leave from the department of political science at the University of Southern California and serving with the U. S. Civil Service Commission in Washington, has been appointed associate professor of political science at Northwestern University. Mr. Roscoe Baker, instructor in social science at Michigan State College, has likewise been appointed an instructor at Northwestern.

Dr. Charles M. Hardin has been appointed assistant professor at the University of Chicago. During the past summer, he did work with the U. S. Department of Agriculture.

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Professor Heinze Guradze, on leave from Park College, is in Germany with the American Group of the Allied Control Council and is working in the field of labor law and on the reëstablishment of trade unions.

Professor Raymond G. McKelvey, of Occidental College, has resigned as executive secretary of the Southern California Council of Inter-American Affairs to resume full-time teaching at the college. He was recently elected to the board of directors of the Council, which has served as liaison in Southern California for the Office of Inter-American Affairs and the Department of State.

At Dartmouth College, Professor Robert K. Carr has been made chairman of the department of government, and new members of the department include Drs. Arthur M. Wilson as professor and Dayton D. McKean and Donald H. Morrison as assistant professors.

Dr. John Paul Duncan, formerly instructor at the University of Akron, has been appointed assistant professor at the Oklahoma Agricultural and Mechanical College at Stillwater, Oklahoma.

While pursuing his work as a specialist in governmental organization with the Bureau of the Census, Professor Richard C. Spencer, on leave from Western Reserve University, will during the present academic year serve also as a professorial lecturer on American government at the George Washington University.

During the summer, Mr. Norman L. Gill resigned the post of municipal reference librarian of the city of Milwaukee which he had held since 1940 to accept the position of executive director of the Citizens' Bureau of Milwaukee. He continues courses on municipal government and administration at the Milwaukee Extension Center of the University of Wisconsin.

Dr. Richard H. Heindel, on leave from the University of Pennsylvania, and until recently director of the American Library established by the Office of War Information in the London Embassy, has joined the Department of State as a special assistant in the Office of Public Affairs to advise on library services of interest to the Department.

Dr. Fred A. Clarenbach, formerly on the staff of the Bureau of Agricultural Economics at Washington, D. C., has been appointed assistant professor of agricultural economics and political science at the University of Wisconsin and in the department of political science will be in charge of work in rural local government.

At the University of Pennsylvania, Dr. William Young has been made an assistant professor, Dr. J. C. Phillips has been advanced to an associate professorship, and Dr. James C. Charlesworth to a professorship. Dr.

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Lincoln Smith, lately at Yale University, is serving as an instructor during the current academic year. Dr. Smith recently received his degree at the University of Wisconsin.

Professor Charles C. Rohlfing, of the University of Pennsylvania, has been appointed chairman of the Regional Committee on Administrative Personnel of the Third U. S. Civil Service Region. Dr. W. Brooke Graves, on leave from Temple University, is serving as executive secretary of this committee.

Associate Professor Lawrence Preuss, who has been on leave of absence while serving as a member of the State Department, returned to his teaching duties at the University of Michigan in October.

Assistant Professor Howard B. Calderwood has received an extension of his leave of absence from the University of Michigan in order to continue his work in the State Department.

During August, Professor Clyde F. Snider, of the University of Illinois, served as a local-government consultant on the research staff of the Property Tax Division of the Illinois Department of Revenue.

At the University of Tennessee, Dr. Lee S. Greene has been advanced from associate professor to professor, Dr. René de Visme Williamson has been named acting associate professor, and Drs. Kenneth O. Warner and Paul K. Walp have resigned. Miss Virginia Holmes, who recently completed a fellowship with the Southern Regional Training Program in Public Administration, has been appointed research associate in the newly organized Bureau of Public Administration.

Miss Eleanor Keeble, who recently completed a fellowship with the Southern Regional Training Program in Public Administration, has been named research assistant in the Tennessee State Planning Commission. Mr. C. B. Stephenson, Jr., who completed a similar fellowship, has been awarded an administrative fellowship at the Littauer School.

Professor Asher N. Christensen, of the University of Minnesota, lectured in early August at the Universities of Wyoming, Colorado, and Denver, and at Greeley State Teachers College and Colorado State College.

Since August, Professor Charles H. McLaughlin, of the University of Minnesota, and a Captain in the Army Air Corps, has been stationed in New York City and teaching in the AAF Personnel Affairs School.

Dr. Kimon A. Doukas, formerly of Brooklyn College and Indiana University, has been appointed by the Foreign Economic Administration secretary and legal adviser to the United States Section of the Joint Trans-

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portation Facilities Mission to Greece, the purpose of which is to meet a request of the Royal Hellenic Government concerning reëstablishment and development of rail, highway, sea, and air transportation facilities in Greece. He left for his post in Athens in August.

Dr. Lent D. Upson, from 1916 to 1944 head of the Detroit Bureau of Governmental Research and more recently director of the National Training School for Public Service, has been appointed dean of the School of Public Affairs and Social Work at Wayne University.

At the University of Minnesota, Professor Harold S. Quigley, who for some years has devoted his time to the Far Eastern Language and Area Program, is again teaching his regular courses in the department of political science.

Dr. Rudolph Holsti, acting professor of political science at Stanford University, died at Palo Alto on August 3 in his sixty-third year. Dr. Holsti held degrees from the University of Helsinki and was lecturer in sociology at that institution from 1914 to 1922. During a long public career which followed, he was at various times member of Parliament, foreign minister, minister to Switzerland, and permanent delegate to the League of Nations.

Dr. John A. Perkins, until recently a member of the staff of the International City Managers' Association, has accepted an assistant professorship at the University of Michigan.

Dr. Howard J. McMurray, who represented a Milwaukee district in the national House of Representatives during the Seventy-eighth Congress and in 1944 was Democratic candidate in Wisconsin for the United States Senate, has been appointed lecturer in political science at the University of Wisconsin for the academic year 1945–46, replacing Professor John T. Salter, on leave for service as senior historian with the Army Air Forces in Washington.

Lt. Nicholas Doman, formerly assistant professor of government at the College of William and Mary, worked with the Italian Partisans and is now one of the aides of Supreme Court Justice Jackson in Germany, prosecuting major war criminals.

Dr. Robert W. McCulloch, who has been connected with Monmouth College since 1935, has been appointed to an associate professorship at the Oklahoma Agricultural and Mechanical College at Stillwater.

Dr. Charles P. Schleicher, associate professor at the University of Utah, and on leave with the War Department, Office of the Secretary of War,

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from February, 1943, until June, 1945, has accepted a position in the Central Secretariat of the Department of State.

Dr. Ethan P. Allen, formerly of the University of Iowa, has resigned his position with the Bureau of the Budget in Washington, D. C., and has accepted the position of director of the Bureau of Governmental Research and Service at the University of Kansas, which is now being revived from a state of minimal activity. Dr. Allen will also have the rank of professor in the department of political science, of which Professor W. E. Sandelius has been made chairman. Dr. F. O. Guild, director of research for the Kansas Legislative Council, will continue as adviser to the University program of state government internships directed by Dr. E. O. Stene, and will be in charge also of a graduate seminar on current problems of public administration.

During the past summer, Professor Joseph S. Roucek, of Hofstra College, served as visiting professor of social science in San Diego State College, San Francisco State College, and Occidental College. He also lectured before the Third Institute of World Affairs at San Diego State College, the Center for International Understanding at Los Angeles, and numerous service clubs throughout California. During the current academic year he is offering a special course at New York University on American and European minorities.

Professor Henry Reiff, on leave from St. Lawrence University, has been with the Department of State, as a legal specialist in the Division of International Organization Affairs, since September, 1944. At the San Francisco Conference, he served as a technical expert with the delegation representing the United States on Committee IV/2, dealing with Legal Problems. During the present autumn, he is acting as a technical adviser with the delegation of the United States to the Executive Committee of the Preparatory Commission of the United Nations, at London, representing the United States on Subcommittee 5, dealing with the Court of International Justice and Legal Problems, and on Subcommittee 9, dealing with the transition from the League of Nations.

The following American political scientists are at present teaching in one or another of the various University Study Centers in Europe: Professors W. S. Binkley, Ohio Northern University; Sidney M. Brown, Lehigh University; David Fellman, University of Nebraska; Cullen B. Gosnell, Emory University; Paul Jacobson, Colgate University; George C. Robinson, Iowa State Teachers College; Jasper B. Shannon, U. S. Department of Agriculture; O. Douglas Weeks, University of Texas; and John B. Whitton, Princeton University.

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The United Nations Conference on International Organization at San Francisco was attended, in official or semi-official capacities, by a considerable number of political scientists. The following is a partial list: Allen Albert, Hamilton Fish Armstrong, M. Margaret Ball, Clarence A. Berdahl, Donald C. Blaisdell, Lt. Bernard Brodie, U.S.N.R., Edward H. Buehrig, Ralph J. Bunche, Philip M. Burnett, Jane Perry Clark Carey, Lawrence Chamberlain, Eugene Chase, Ben Cherrington, Andrew W. Cordier, Clyde Eagleton, Edna Fluegel, Dorothy Fosdick, William T. R. Fox, Benjamin Gerig, Leland M. Goodrich, Robert W. Hartley. Dr. Hu-Shih (member of the Chinese Delegation), Philip W. Ireland, Philip C. Jessup, S. Shepard Jones, Grayson L. Kirk, Walter H. C. Laves, Daniel H. Lew, Mrs. Alice M. McDiarmid, John W. Masland, Denys P. Myers, Norman J. Padelford, Llewellyn Pfankuchen, Lawrence Preuss, Mrs. Pauline Reinsch Preuss, Harold S. Quigley, Miss Helen D. Reid, Lindsay Rogers, Bernadotte E. Schmitt, James T. Shotwell, Victoria Shuck, James Simsarian, Eugene Staley, Donald C. Stone, Ivan M. Stone, Joseph Sweeney, Arthur Sweetser, William L. Taylor, John D. Tomlinson, Amry Vandenbosch, Francis O. Wilcox, Bryce Wood, and Quincy Wright.

An extensive series of Army Education Pamphlets, prepared under the guidance of the Historical Service Board of the American Historical Association, has now been made available to the general public and may be obtained for fifteen cents a copy from the Superintendent of Documents, Washington, D. C. The pamphlets are appearing at the rate of two a month and deal with a wide range of topics, domestic and international.

The theme of a Conference on the United States and the Postwar World held at the University of Michigan, July 23 to August 3, was the problems that underlie the peace and the concern of the United States with them. A lengthy list of lecturers included Professors Everett S. Brown (University of Michigan), Kenneth P. Latourette (Yale University), Jacob Viner (University of Chicago), and Reginald G. Trotter (Queens University, Kingston, Ontario), Presidents James P. Baxter, III (Williams College) and Alexander G. Ruthven (University of Michigan), and Dr. Waldo G. Leland (director, American Council of Learned Societies).

During the present autumn, the University of Mississippi has established in its department of political science a bureau of public administration, with Professor Robert B. Highsaw as director. During its first year, the bureau is engaged in a study of the administration of natural resources in Mississippi, as part of a coöperative study of natural resources in the southeastern states directed by a committee representing the Universities of Alabama, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, and sponsored also by the Tennessee Valley Authority. After

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completing its share of this project, the Mississippi bureau expects to undertake studies of problems of state and local government.

From 1938 to 1943, the Committee on Public Administration of the Social Science Research Council issued an annual *Check List of Current Research in Public Administration,* the purpose being to provide a record of public administration research in progress at leading universities and colleges. The list has not been published since 1943, but, by arrangement with the Committee on Public Administration, is now being continued by Public Administration Service. The list is compiled from information furnished by departments of political science in universities and colleges throughout the country. It will be greatly appreciated if heads of departments will send a list of projects in this field currently in progress at their various institutions for inclusion in the forthcoming edition to Farrell Symons, Public Administration Service, 1313 East 60th Street, Chicago 37, Illinois. The information should include the following: (1) title, scope, and objective of research project; (2) name of person or persons in charge of project; (3) name of university or college, and of special research agency, if any; (4) if project is that of a graduate student, degree for which the student is working.

Documents of the United Nations Conference on International Organization at San Francisco will be published by the United Nations Information Organization, New York, in coöperation with the Library of Congress, in approximately sixteen bound volumes, amounting to about 12,000 pages, reproduced by photo-offset, in the two working languages of the Conference, English and French, on alternate pages. Publication is dependent upon receipt of sufficient orders in advance, but in view of orders already received, seems assured. The material includes: (1) the Journal, and verbatim minutes of all plenary sessions; (2) verbatim minutes of commissions and agenda, reports, and *précis* of technical committees; (3) working papers for commissions and committees and drafting documents of sub-committees; (4) comments, proposals, and amendments relating to the Dumbarton Oaks Proposals submitted by participating governments; (5) special documents submitted by delegations for distribution to all delegations; and (6) secretariat notices or communications distributed to all delegations. The price, for orders received in advance of publication and accompanied by remittance, will be $75.00 for the set. Orders not accompanied by remittance will be filled at $90.00 a set and billed for on publication.

Recent additions to records in the National Archives include some of the older records that still remained outside the custody of the Archivist. Among them were Post Office Department registers and journals, 1828–

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1934; drawings and photographs of Federal buildings no longer in the possession of the Government, 1885–1945; records of the Chesapeake and Ohio Canal Co. and the Canal Towage Co. for the fifty years prior to the purchase of the canal by the Government in 1938; records of the District Court for the Southern District of New York, 1789–1912; and a small group of Interior Department records, 1854–79, relating to colonization of free Negroes and the suppression of the slave trade, which were received from the Library of Congress. As the result of a recent transfer from the State Department, the records of that Department in the custody of the Archivist are nearly complete through the year 1929. Among other material recently transferred to the National Archives are selective service records of World War I, central files of the Adjutant General's Office, 1917–1925, records of the Great Lakes Naval Training Center, 1911–39, and Office of War Information records, 1941–44.

The Washington Committee of the American Political Science Association reports a number of activities during the past year and an equally lively program for the present year. Major items in the report for the past year are: a series of three smokers; four discussion groups, each meeting a number of times; and a note in the REVIEW which set forth the provisions of various federal acts governing the training and education of veterans. Principal speakers at the smokers were Arthur N. Holcombe, G. Lyle Belsley, and William A. Jump. The four discussion groups were centered on the following topics: "Problems Facing the Political Scientist on the Campus" (Francis O. Wilcox, leader); "Reconciliation of Strong Administration with Democratic Determination of Policy" (Wallace S. Sayre, leader); "Germany in the Post-War World" (John Brown Mason, leader); and "Public Opinion and Education in International Relations" (S. Shepherd Jones, leader). This program of activities was carried out under the general direction of James W. Fesler, chairman of the Washington Committee for the past year. The Committee was enlarged last spring by President John M. Gaus and now includes the following members: Gladys L. Baker, Clyde Eagleton, James W. Fesler, Ernest Griffith, Charles S. Hyneman (chairman), V. O. Key, Walter Laves, Lt. Col. John Millett, Pitman B. Potter, Major Bennet M. Rich, and Francis O. Wilcox. Ethan Allen was originally a member of the Committee, but, on leaving the capital for a position at the University of Kansas, was succeeded by Major Rich. Activities of the new committee to date include a follow-up note on the training of veterans prepared by Lt. Col. John W. Manning at the request of the Committee and published in this issue of the REVIEW; participation of representatives of the several social sciences in discussion of federal policy in relation to research and education in the social sciences; and designation of a representative (James W. Fesler) to partic-

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ipate in the organization of an association of social scientists in Washington and vicinity. Sub-committees have been created or authorized as follows: (1) to extend courtesies to visiting foreign political scientists, Arthur N. Holcombe (chairman), Benjamin B. Wallace, and Robert R. Wilson; (2) to explore and make recommendations concerning federal employment of political scientists, John McDiarmid, Pitman B. Potter, and Wallace S. Sayre (chairman); (3) to make a general study of the political science curriculum, Francis O. Wilcox (chairman); (4) to study the film recordings and other materials produced by the war which may be useful training aids for political science, Lt. Col. John Millett (chairman). The latter two committees have not yet been organized. The Committee plans a continuation of the program of smokers and discussion groups instituted last year. Major Bennet M. Rich has been designated chairman of a committee to carry on this program. All members of the Association receiving the REVIEW in or near Washington are on a mailing list for notices of meetings. Members of the Association who do not receive the REVIEW at their Washington address should notify the Committee in case they wish to know of meetings which may be called. Send a postcard notice giving mailing address for such notices to Charles S. Hyneman, 4912 Riverdale Road, Riverdale, Maryland.

Political Scientists and GI Education. Under the provisions of the Servicemen's Readjustment Act of 1944, known as the "GI Bill of Rights," we may expect a mass education program such as this country has never experienced before. Every man and woman who has served in the active military or naval forces under certain conditions on and after September 16, 1940, and prior to the termination of hostilities in the present war, is entitled to some education and training at government expense.

The Act provides for educational opportunities of two types. First, one year refresher or retraining courses in an approved educational institution are open to every veteran, regardless of age. The second type consists of education or training at an approved educational institution for a period of one to four years, depending upon length of service, age, and the interruption of schooling. To be eligible for the one-year refresher course, a veteran must qualify under all of the following points: (1) he must have been in the active military or naval service for at least a period of ninety days, exclusive of any periods spent completing a course in medicine, veterinary medicine, dentistry, or theology in ASTP or the Navy College Training Program, (2) if he has less than ninety days' active service, he must have been discharged for a disability actually incurred in service, (3) he must have been released from the service under honorable conditions, and (4) he must start his course not later than two years after his release or the termination of the war, whichever is later. This type of educational opportunity is designed for persons who want to "brush up"

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on their previous training. Neither age nor previous schooling has any bearing on the right to receive this benefit. Just how many veterans will take advantage of the training offered is a question impossible to answer at present. Undoubtedly the number will be very large.

To be eligible for the second type of educational opportunities offered, the veteran must qualify under all of the rules applicable for the first type, and in addition, if he is over twenty-five years of age, he must prove that his education was impeded, delayed, interrupted, or interfered with by reason of his entry into service. If he is under twenty-five, the law assumes that his education has been interrupted, and he becomes eligible for training from one to four years depending upon the time he has spent in the armed forces.

Veterans taking advantage of the educational benefits of the GI Bill will have a wide variety of schools and courses from which to choose. The Veterans Administration maintains a list of approved institutions which includes every kind of school from the grammar school through graduate colleges and universities, and professional institutions. The only type not included on the list is the correspondence school. However, correspondence or extension courses offered by an established school requiring regular attendance, or correspondence courses required as a regular part of a regular course with either part or full-time attendance, are included.

If an approved school accepts a veteran, he may take any course he desires, either academic or vocational. Just how many veterans will take advantage of either the academic or vocational course is unknown. Undoubtedly many thousands will take a great variety of vocational courses, and fewer will take advantage of the academic courses. The Army and Navy have given many men and women certain types of vocational training, and most of these persons will want to continue in these fields. It may be assumed that relatively few will desire to enter the field of public administration or politics. But this assumption, if correct, does not lessen the interest of the political scientist in veterans' education. Collectively and individually, the veterans will be a factor to be considered in public life after the war. Many of them will become candidates for public office, and a very large proportion of the public employees of the future will be veterans. Many of these will take advantage of the free education offered them under the GI Bill. Thus, political scientists have a peculiar interest in the education of veterans.

In too many cases, the political scientist has viewed his field as limited to the managerial aspects of public administration and to matters of high political policy. But it must be contended that the political scientist is dedicated to the improvement of government generally. Likewise it must be admitted that there is much more to good government than matters of policy. Thus, if political scientists are to do a thorough job, worthy of the profession, they must be willing "to get their hands dirty" with the

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processes of government as well as bask in the rarified atmosphere of high policy. Veterans' education, of whatever kind, and on whatever level, offers a real challenge to the political science profession. These veterans are the men and women who in the future will control the destiny of government, and who will administer it for decades to come.

The question may be raised as to what the profession intends to, or should, do about the challenge. And this inquiry raises a further one. In the light of the problem we face, we may examine the range of public service, and ask ourselves if we believe in both education and training for the veteran for public service. If we believe only in education as contrasted with training, political scientists should concern themselves only with the man or woman who wants a college education or who has it. In this event, the political scientist fulfills his obligation by advising the veteran on what courses will best fit him for public employment or better his chances of advancement in the public service, and then proceed to offer these courses to the veteran, provided of course that they fall within his field.

If political scientists believe in training as well as education, the task is far greater and more difficult. Much could be done to broaden the public horizon and increase the competency of men and women who will not seek a college education—in fact, many of them may not have finished high school. An increasing number of political scientists are beginning to believe that universities and technological colleges must plan a program of training to meet this demand.

Regardless of the type of training a man takes, he should be aware of the purposes, nature, and abuses of governmental regulations and processes. This is true whether he goes into business for himself or takes a job with a large concern, or works for the government at one level or another. There is a vital need to get into all training, regardless of the type, some consciousness of the public interest.

Political science, as well as other liberal arts disciplines, must show some concern over the training of veterans. Technical schools, including colleges of agriculture and colleges of engineering, are showing some imaginative planning in the matter. The training which these offer, however, is designed to make the veteran better able to earn his living, and neglects the fact that he is a potent factor in the determination of public policy, and may become a public employee. It may be assumed that few professional schools can be counted upon to take into account the public interest in veteran training. Such schools—agricultural, engineering, commerce, etc.—will supply the core of the training for thousands of veterans, who either in the public service or in private enterprise will have a tremendous effect on the quality of public service and the manner in which law and public policy are enforced or sabotaged. Such schools cannot be expected to make provision for the indoctrination or orientation in citizenship which

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political scientists would like every man to have. This becomes a responsibility of the political scientist, and the political scientist alone.

The responsibility is made all the more urgent and important when the vast possibilities of recent scientific discoveries are considered. Technical schools may be expected to extend their inquiries into the development of atomic energy. Dire results will flow from such investigation unless proper controls are applied. Such controls must be social and political, and it is reasonable to assume that the technical schools will be inclined to neglect this phase of their new problem unless the social scientists, including the political scientists, provide the necessary guidance. The political science profession has an added responsibility for bringing about a proper appreciation of this loosing of atomic energy on mankind, and must prepare the minds of veterans, and all others who know its power, with the concept of service to civilization rather than allow this new force to destroy the universe.

Precisely, then, what can the political scientist do to meet the challenge before him? Certainly it could not be considered even by the most professionally ardent political scientist that veterans' education is the sole and exclusive responsibility of the profession. On the other hand, the political scientist will be remiss if he does not bring to the program of veteran education a proper appreciation of the rôle of political science. Educational groups in every state are now formulating programs for veterans. It can be assumed that such groups realize the magnitude of their problem, and would welcome any help that political scientists might give them. If political scientists become aggressive and carry definite and constructive suggestions to the professional schools, it is reasonable to believe that a place might be made for some instruction in government. With the presentation of well-considered plans, it is possible that all types of curricula intended primarily for veterans could be so arranged as to include some attention to government and administration. Certainly political scientists can be instrumental in organizing study groups for veterans, as well as others, in which attention may be directed toward vital public problems. Above all else, political scientists need to keep abreast of all programs for veterans' education. They must know what the veteran needs and what the veteran wants, and be prepared to meet that need in so far as is possible within their discipline.

To a considerable extent, the political scientists of the country have constituted a pressure group interested in selling their own stock in trade. With the enormous possibilities under the GI Bill of Rights, they have an excellent opportunity to step in and perform a useful service by attempting to influence any and all training, to the end that the public will get both a better trained public servant and a better appreciation of the public interest on the part of those who enter private enterprise.—JOHN W. MANNING, LT. COLONEL, AGD.

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BOOK REVIEWS AND NOTICES

Freedom and Civilization. By BRONISLAW MALINOWSKI. (New York: Roy Publishers. 1944. Pp. xiv, 338. $3.50.)

According to the jacket, "the task which [the late] Professor Malinowski set for himself in this volume was an exhaustive and objective inquiry into the nature of freedom, its essential privileges and its essential limitations." Regretfully, I am forced to report that the task is accomplished less than adequately. The reasons for this are, I think, first, that Professor Malinowski is too directly and immediately concerned with combatting totalitarianism to permit of the disinterested analytical inquiry he starts out to make; secondly, that he desires to defend national independence and cultural nationalism while attacking the nation-state, and is so led into some over-facile dichotomies; thirdly, that his recognition of the present horrors and destructiveness of war and of the enslavement of peoples leads him into an analysis of the institutions of war and slavery which, apart again from over-simplification, lessen rather than strengthen the unity and forcefulness of his attack on the main theme; fourthly, that he falls into the curious error of arguing from what he claims are the conditions common to the most primitive societies to what is desirable, in a more complex, but conceptually unaltered, fashion, in modern society; and fifthly, that, partially substituting the facts and concepts of anthropology for political philosophy, his training and ability in the latter field, which is the one wherein he is operating, are inadequate to the task he actually tackles.

This last is, perhaps, the most serious indictment. Professor Malinowski sets out to tell us what freedom is. His essential thesis, however, is that it is made possible by, and increases with, the growth of civilization. A high degree of control over the forces of nature, effective social organization under authority with a pluralism of institutions, and an equitable sharing of the benefits of civilized living by all persons—these are the conditions for the realization of freedom. Perversions of authority may, and do, occur in advanced, far more than in primitive, societies. They consist in essence of unequal sharing of the benefits of civilization, those performing creative functions being denied the rewards of their labors, which are preëmpted by the rulers, relying on force as the instrument of their authority. Such denials of freedom are not consonant with the good rational life. Nevertheless, only as civilization progresses does real freedom become possible, and the degree of that freedom is culturally determined.

Moreover, while the enjoyment of freedom as sharing is creative, Professor Malinowski himself confesses that denials of freedom, or resultants therefrom, such as slavery and war, may at certain periods have brought increases in production or superior social organization which made more freedom possible, even though in their actual course they *were* denials of

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freedom. Slavery and war today are, however, utterly incompatible with social well-being and with freedom. Hence, while Professor Malinowski argues that evils such as war and slavery were absent in the most primitive societies, which were proto-democracies, without centralized authority using force, his is essentially a doctrine of progress, by which true freedom becomes potentially possible, even though it is not actualized. The task of our age is to create an effective democracy, destroy fascism, and realize the good life through a series of decentralized social purpose groups, with authority based on function, and evoking consent as acceptance of necessary discipline, and with the central state machinery held in check, and indeed, in the form of sovereignty, destroyed.

That the type of society Professor Malinowski wants is desirable, and that the evils he deplores are evils, and need eliminating, I generally agree, though perhaps less unperturbed at the possible abuses of authority within functional groups, and more inclined to believe that the central authority of effective government, backed by force, is necessary. Yet this implies no acceptance of his general analysis of freedom. *Of course* freedom is a social concept, since man is a social animal, not an isolated atom. This does not justify Professor Malinowski's condemnation of the defining of liberty as absence of restraint, nor his insistence that, as a product of social development, it includes, and is made possible by, exercise of proper authority—defined as constraint. Professor Malinowski in truth argues (1) that the development of civilization, by the controls it gives and the technology it creates, widens the range of choices, and this is good; (2) that there should be an equal sharing in this widened, and widening, range of choices, subject to appropriate functional inequalities; and (3) that liberty or freedom, so understood, and subject to the necessary restraints for its realization, is *the* good.

Now I am fully prepared to agree that it is desirable to increase man's control over nature: technological progress is a good, making possible the goods of greater security and greater well-being. I should agree, again, that necessary organization and exercise of authority, as well as self-discipline by the individual to achieve desired purposes, alone, or via functionally serviceable rules allowing him to work effectively with others, are goods. I should agree that equality in sharing benefits, subject to rationally defensible limitations, is a good. I should agree, again, that decentralization and group organization, as checks on centralized power, and techniques to prevent its corruption, are goods. And I should strongly maintain that freedom, or liberty, as absence of restraint, subject to necessary limitations with a view to securing the right to a like freedom of choice for others, and subject to a judgment between it and other goods, is also a good.

Yet I can see no gain whatsoever (a) in naming as freedom the totality

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of all social goods; (b) in confusing freedom with equality, authority, social wealth, or welfare; or (c) in defining freedom as *the* good, even when enjoyed equally by all. I would insist that liberty is, in fact, absence of restraint by relevant authority on individual will and the implementing thereof; I would agree that a pattern of society, as the rules of nature, gives the conditions under which meaningful choices present themselves, and so determines what frustrations are felt, as well as satisfactions pursued; I would agree that an increase in the range of choices, through knowledge and power, allows the development, and makes possible the effective fulfillment, of a greater variety of personalities, and probably the more effective reconciliation thereof without social strife. But I would finally insist that it is the function of the state, by means of government, always, short of utopia, when it could and would wither away, to make decisions between individuals and groups, to weigh and select goods, and, in the name of the social conditions needed for pursuit of *the* good, to deny freedom in certain respects to certain individuals. This will be to them restraint, privation of liberty and so of a, for them, good (and the same will often hold of restraints by groups). But some restraints are necessary for the social good. The state may indeed impose many restraints improperly depriving men of particular liberties. It is the function of political theory, as ethics, to develop the principles on which such judgments properly rest. Neither history nor anthropology *of themselves* give such answers. Indeed, such answers cannot be attained by confusing *is* and *ought*, process and ethical reality. Finally, their attainment or recognition is hampered when terms are inflated beyond their proper scope, and endeavor to absorb and subordinate other distinct and co-equal terms. Terminological imperialism, totalitarian in character, and ruthless in action, is no answer to the evils of political totalitarianism, even though it may speak in the name of freedom, and with obviously noble moral intentions.

THOMAS I. COOK.

University of Washington.

The Pure Theory of Law. By WILLIAM EBENSTEIN. (Madison, Wis.: University of Wisconsin Press. 1945. Pp. xii, 211. $2.50.)

Professor Ebenstein's introduction to Hans Kelsen's theory of law should be read not only by jurists who are eager to grasp more clearly the logical foundations of legal science, but by all students of social and political philosophy in this country. It gives a competent account of one of the most interesting and most hotly debated methodological enterprises in the social sciences. The intensity of the discussion of the Pure Theory of Law may be judged by the fact that a bibliography (by R. A. Metall) published in 1934 as an appendix to Kelsen's *Reine Rechtslehre*, which contains a list of the writings on this subject since the publication

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of Kelsen's *Hauptprobleme der Staatsrechtslehre* (1911), fills sixty-seven pages in small print.

However, Kelsen's work is comparatively little known in the United States and Great Britain. The point has been made by some students of legal philosophy that this is due to the fact that its significance does not extend beyond "Continental logical thinking," because it is (allegedly) unfit to promote the understanding of Common Law. Mr. Ebenstein disproves this view by showing that problems similar to those which confronted Kelsen have troubled outstanding American and British jurists, and that solutions have been proposed by them which bear close resemblance to those offered by Kelsen in a more systematic context.

The Pure Theory of Law seeks to establish a logical foundation of legal science by analyzing its basic concepts and methods. The postulate of purity of method, which is its guiding principle, demands a sharp distinction between juristic methods and psychological as well as sociological methods, and between legal norms and ethical norms. Legal science is separated from psychology and sociology by contrasting the Is and the Ought, causal methods and normative methods. It is separated from ethics by contrasting positive law, which is the subject-matter of legal science, with natural law, which belongs to the domain of ethics.

The elaboration of this view involves an analysis of the structure of a legal order. The prime objective of this analysis is to determine the unifying principle by virtue of which a large variety of legal norms of different kinds—such as laws in the strict sense, decisions by judicial courts, and orders issued by members of the executive branch of the government —may be regarded as elements of the same legal order. Kelsen calls this principle "basic norm" (*Grundnorm*) and interprets it as a fundamental hypothesis comparable to the most general principles of the natural sciences.

Dr. Ebenstein's book deals in five chapters with the basic tenets of the Pure Theory of Law. After a broad outline of the Neo-Kantian philosophical basis of the theory, it offers an able description of Kelsen's view concerning the place of legal science on the *globus intellectualis*, of his analysis of legal norms, and of the "steps and stairs" theory (*Stufentheorie*), which clarifies the relations between the various types of legal norms.

Throughout his book, Mr. Ebenstein is a defender rather than a critic of the doctrine which he presents. His occasional critical remarks concern minor points only. The fundamental cleavage between the Is and the Ought is taken for granted. This reviewer has made the point that this dualism cannot be upheld; he has suggested a re-interpretation of Kelsen's theory which disposes of it. The normative method is taken to be simply a subsumption under given definitions, and a basic norm is conceived as a

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definition of the unity of a particular legal order. It seems to me that the chief results of Kelsen's methodological criticism remain unaffected by this interpretation, and that these results are of lasting significance for an understanding of the nature of legal science.

FELIX KAUFMANN.

New School for Social Research.

Conscience and Society; A Study of the Psychological Prerequisites of Law and Order. By RANYARD WEST. (New York: Emerson Books, Inc. 1945. Pp. 261. $3.00.)

Those political scientists who believe, as the present reviewer does, that it is highly necessary to bridge the gaps now existing between specialized fields of social study will welcome this thoughtful and provocative examination of the psychological foundations of law. That there has always been a close connection between political theory and psychology is known to all who read in either field. But it is something of a novelty to come across a scholar who is firmly grounded in both fields, and who seriously attempts to link up with political theory the new insights of modern psychology. Dr. West, a practicing psychoanalyst in London, endowed with both the M.D. (Lond.) and the D.Phil. (Oxon), writes with a wide range of learning in the literature of political theory and law and in that of psychology, particularly psychoanalysis, all of which is buttressed by extensive clinical experience.

Dr. West points out in his introduction that three important groups—political philosophers, psychologists, and lawyers—have been concerned with the study of human nature. "Members of these three learned faculties," he writes, "have not yet sufficiently absorbed each others' thought. Each faculty has made difficulties for the others by its rigidities, its technical language, and its high self-esteem. Each has presented to the outside world as valid, conclusions which may be questionable to a painstaking critic." And he goes on to say: "I believe that there are certain simple facts of human nature which can be inferred from the assembled contributions to knowledge and thought of the philosopher, the lawyer, and the psychologist, but which we have hitherto failed fully to interpret. To my mind, that failure is the chief reason why we are shunning as difficult or impossible the very necessary and waiting task of building, upon our common human nature, our total human society." This is his general point of view.

Dr. West reviews, with great learning and insight, the philosophies of human nature implicit in various schools of political and legal theory, giving special attention to those of Hobbes, Locke, Rousseau, and the idealists. He also summarizes the basic ideas of Freud and the theories of other psychoanalysts who disagreed with or seriously modified the Freudian system. Dr. West rejects as inadequate Freud's basic notion that

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men as individuals naturally hate each other, that man's fundamental instinct is to wreck his fellows, his society, and his civilization, and that conscience (super-ego) is "merely the dread of society." He does agree, however, with what he regards as one of the basic and irrefutable findings of psychoanalysis, that man is not a rational being. No one who has manipulated the technique of Freud can for a moment doubt that man "is constantly engaged in inventing his intellectual processes to make a 'reasonable' justification to himself of conceptions given to him as facts by his emotions."

Dr. West believes that man is fundamentally a sociable being. "With exceptions so rare that we may exclude them as quite abnormal, all men and women show both an aptitude and a desire for some sort of community life." At the same time, man is also naturally aggressive or self-assertive. Hobbes and Freud made the mistake of taking a one-sided view of human nature by focusing all their attention upon the latter fact. Dr. West regards these as man's two primary instincts. "The primary social instinct serves that need of others which is fundamental to man's nature. His primary aggressive instinct serves his equally fundamental need to assert himself." But, happily, the most significant social fact about the interaction of these two main instincts is that for most people most of the time—"whether in a happy normal personality, or in the self-restrained individualist, or in the repressed and unhappy neurotic"—the social instinct nearly always wins out. The troubles of modern society spring less from the self-assertiveness of individuals than from its failure to master collective aggressiveness.

This brings us to the author's psychological theory of law. The law has two primary functions: to control human aggressiveness and to implement the social instinct of man. Law is thus an extension of self-control, "an external support for man's social instinct against the anti-social activities of his self-assertive instinct." In this respect, men are pretty much alike, and the law must help them do what most of them want to do most of the time. This, he believes, answers the puzzling question (to the philosopher-lawyer) as to the source of the obligation to obey the law. The obligation is not only moral, but also intellectual and emotional. "It is the urge of man's 'conscience' that he should maintain self-control of his aggressive and self-assertive instinct in the over-riding interest of his social instinct." The real business of the law, then, is to hold a nice balance between our social and individualistic instincts, that is to say, between social solidarity and individual freedom.

Finally, Dr. West projects his theory of law upon the wider scale of international relations and world government. Since he believes that law cannot exist without the power of enforcement (and he thinks that authority is psychologically indispensable), he affirms that international

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law in a world of sovereign states is not law at all, but merely a pious aspiration, a great illusion, however majestic in purpose. The fact that men go on writing about "international law" is merely evidence of man's familiar ambivalence, his desire to be free and also to be bound to others. The first step that will create the first international law is "the transfer from the disputants of the force to withstand a judgment," and this first step has not yet been taken. The state, like the individual, "cannot at one and the same time free itself of its obligations and be bound by law." And in this connection he disagrees with Brierly's notion that the world community must come before its law; on the contrary, law itself, at least on the elementary level of order for the control of aggressiveness, is itself a primary factor which builds the necessary sense of community. The new world community will not gradually grow into order; the reverse is true—it must be given an order in which to grow.

The author believes that the abrogation of national sovereignty lies at the root of social order, and on this score he is not without optimism. For one thing, he believes that loyalty, which is an emotional expression of the social instinct, is a naturally fluctuating emotion which like love has to seek and find its object, that it is variable and educable, and therefore transferable. Man's "biological urge is to stand by whatever will give him security. And upon that matter he can be variously persuaded in a remarkably short space of time. From the 'Little Father' to Lenin did not take long in 1917." Thus the achievement of the Great Society does not require any attempt to quench human loyalty, but rather to achieve its transference. Above all, the Great Society must have power, for power alone "holds the loyalty of the masses true. Everybody greets the parson. But all obey the squire." His optimism, furthermore, rests upon the conviction that "the sovereign state is doomed and nothing can redeem it," for it has failed to provide what a power group exists to provide, the best security available to its members.

DAVID FELLMAN.

University of Nebraska.

The Limits of Jurisprudence Defined. BY JEREMY BENTHAM. EDITED BY CHARLES WARREN EVERETT. (New York: Columbia University Press. 1945. Pp. xxii, 358. $4.50.)

This is the first publication of a hitherto unknown work by the famous author of *An Introduction to the Principles of Morals and Legislation.* It was designed and written as a continuation of that treatise, and is the civil-law counterpart of the enquiry there devoted to criminal legislation. In an age so impatient of theory and so clamorous for immediately visible results as ours, this event would have created no sensation even if we were at peace. Appearing in the midst of an all-absorbing war, the book risks being overlooked or postponed *sine die*, even by the scholars who in less stirring times would be actively interested.

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Mr. Everett has performed a work of piety that must have cost much labor. The result does him credit. Though broken in some places by gaps in the manuscript—a defect beyond the editor's control—the text runs smoothly for much the greater part. There are some errors of reproduction, but these are remarkably few. Of those that meet the eye, some are doubtless merely typographical, though at one or two points the reader may suspect a misunderstanding of Bentham's meaning, coupled with a misreading of his handwriting. What Mr. Everett has presented us with is undoubtedly a faithful and almost complete edition of a work which, if it had come out a century and a half ago, must have added greatly to the impact of *Morals and Legislation* and enhanced still further the vast reputation of its author.

As it is, there is something pathetic about the publication. Here is analytical jurisprudence of the most searching kind. Here are expounded the nature, sources, and ends of law, its subjects and objects, and its modes of operation. From beginning to end, the author is plagued by the diversity of senses in which words are used in the making and interpretation of laws, and we see him beginning the attempt, resumed by some of our contemporaries, to supply legislators and jurists with a vocabulary of clear and fixed meaning. What if Austin had had a foundation like this, visible and known, to work upon? Fortified by Bentham's repute, and going on from where he left off, London's first professor of jurisprudence might well have built a school of legal science that would have begun earlier and carried further the modern effort to clarify juristic thought and method.

Today, the time for this book is long past. This is not to say that the stream of legal thought in our generation runs clear, that legal terminology has been cleansed of foul confusion, or that legislation, adjudication, and administration no longer stand in need of logical criticism. But Bentham's line of attack has been repeatedly used and improved. Our own analytical jurists are hard enough to read and have few enough followers. But their style is less crabbed and their language more familiar than Bentham's. If the day ever comes when legislators and judges, frightened by the accumulating problems of interpretation, seek instruction in the systematic use of terms, it will be to the legal grammarians of the twentieth century rather than to Bentham that they will turn.

Meanwhile, Mr. Everett will have to look for his reward of gratitude principally to those amateurs of the history of thought who regard any substantial addition to the picture of a great mind as a value in itself. But readers will not be limited to legal antiquarians. The book is a considerable, though belated, accession to the literature of English utilitarianism.

P. E. Corbett.

Yale University.

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Full Employment in a Free Society. By William H. Beveridge. (New York: W. W. Norton and Company. 1945. Pp. 429. $3.75.)

Memories of the chronic mass-unemployment of the 30's and fears of a renewed wave of unemployment at the end of the war explain the deep anxiety felt by the man in the street, by the professional economist, and by the politician and statesman concerning the future performances of the economic system. From this preoccupation stems Sir William Beveridge's *Full Employment in a Free Society,* a sequel to his governmentally sponsored Report on Social Insurance and Allied Services. The author proposes a comprehensive system of public policy to insure full employment. "Full employment . . . means having always more vacant jobs than unemployed men, not slightly fewer jobs" (p. 18). This is a dangerous definition because in a seller's market for labor an inflationary rise of wages is almost inevitable, and labor relations tend to become very difficult to manage.

Beveridge endorses the now fashionable under-consumptionist theory of economic instability. He believes that "the fundamental condition for avoidance of massive unemployment is maintenance of total expenditure," and that the private sector of the economy, left to its own devices, tends to produce a chronic shortage of effective demand. Consequently, he proposes the establishment of a new kind of budget "based on manpower rather than on the assumed limits of taxation" (p. 166). Underlying this proposal is the view that "the ultimate responsibility for seeing that outlay as a whole, taking public and private outlay together, is sufficient to set up a demand for all the labour seeking employment, must be taken by the State" (p. 135). Six main elements are to enter into the formulation of this budget: (1) private expenditures on consumption, (2) private investment at home, (3) net balance of payments, (4) public expenditures covered by taxes and other public revenue, (5) public expenditures covered by loans, (6) the estimated value of national production when all manpower is fully employed.

This new budget and its underlying philosophy are very reminiscent of the Murray Full Employment Bill lately before Congress. It is important, therefore, that Americans should give very careful attention to Sir William Beveridge's "Report." Its recommendations involve six main areas of state control: (1) A long-term program of planned public expenditures, including the regulation of private business investments, subsidies to consumers, etc. (2) State control of banking, including the nationalization of the Bank of England: "The banking system must clearly function in accord with the general financial policy of the State" (p. 178) (3) Control over the location of industry, which "must be exercised ultimately by a central authority making a national plan for the whole country" (p. 170). (4) "Organized mobility of labour," involving

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a compulsory use of employment exchanges for all young people under eighteen, who "should be fitted into occupations adapted to their capacities" by these governmentally run agencies. "It is desirable to put an end to the aimless, unguided search for work . . . , there can be no opposition of principle to . . . requiring the actual engagement to be made either through the exchange or an approved agency such as a trade union" (p. 172) (5) Permanent price control: "Price control . . . will concentrate upon essential goods and services and upon those in the supply of which there is a temporary scarcity" (p. 203) (6) State control of foreign trade: "The whole trend of the argument of this part of the Report [dealing with international implications of full employment] is towards a management of international trade, in place of leaving it to unregulated competition" (p. 238). Beveridge favors multilateral trade only if other countries adopt full employment programs similar to that which he proposes for England, if their balances of payments are kept in equilibrium by state regulation, and if they display "reasonable continuity and stability in . . . foreign economic policy, in respect particularly to the control of trade by tariffs, quotas, or other means" (p. 33). In the absence of such commitments, Beveridge favors regional or bilateral trade.

Coming now to the second part of the title of the book, what are we to understand by a "free society?" Beveridge lists, very briefly, what he calls the essential citizen liberties: "For the purpose of this Report, they are taken as freedom of worship, speech, writing, study, and teaching; freedom of assembly and of association for political and other purposes, including the bringing about of a peaceful change of the governing authority; freedom in choice of occupation; and freedom in the management of a personal income" (p. 21). What is not explained is how freedom in the choice of occupation can be reconciled with the author's proposals for organizing the mobility of labor and how the freedom of assembly and of association can be reconciled, in the long run, with the extensive powers of the state proposed in the rest of the book. Omissions from the list are most significant. To quote Beveridge himself: "The list of essential liberties given above does not include liberty of a private citizen to own means of production and to employ other citizens in operating them at a wage" (p. 23). This means that the citizen in Beveridge's "free society" does not have the right to engage in business on his own account. Thus, the very foundations are taken from under a system of free enterprise, and this cannot be compensated by any amount of lip service to that economic system. Indeed, Beveridge goes on to say: "If . . . it should be shown by experience or by argument that abolition of private property in the means of production was necessary for full employment, this abolition would have to be undertaken" (p. 23). This is a weighty recommenda-

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tion, surely too weighty to be tossed off so lightly, without any study of its social and political consequences. Note, also, Beveridge's phrase "by experience or by argument"; is this to imply that a mere dialectic argument would be a sufficient basis for abolishing in England the private property of means of production?

In the light of statements such as these, this reviewer is entirely unconvinced by the author's assurance that "the policy outlined in the Report by-passes the socialist-capitalist controversy" (p. 191). It doesn't by-pass it at all; in the climate created by the adoption of the Beveridge proposals, what is left of private enterprise will, most likely, wilt and die, and state socialism will flourish and grow until it has covered the whole area of economic activity. Sir William may have offered us a workable program for full employment; a society that would be induced to accept that program would, however, eventually cease to be free.

MICHAEL A. HEILPERIN.

Hamilton College.

Backgrounds of Conflict. BY KURT LONDON. (New York: The Macmillan Company. 1945. Pp. xvi, 487. $3.75.)

The purpose of this book is "to present some of the facts concerning the origins and development of . . . the philosophies and practices which led to the Second World War . . . in order to provide a basis for sound diagnosis and prevention" of a third world conflagration. Most of the volume is, accordingly, concerned with Nazi Germany, Fascist Italy, and Japan as "The Enemies of Democracy," with the Soviet Union as "The Great Transition." The author holds that "while the Soviet Union is totalitarian when considered in terms of objective political analysis, its goals differ widely from those of Nazi-Fascist totalitarianism," and with Vichy France as "Painful Intermezzo." Less than one hundred pages are devoted to the United States and Britain.

In the Introduction an attempt is made to clarify political principles and political terms used throughout the book—somewhat unsatisfactorily because of the failure to draw clear and basic lines of distinction. The method pursued throughout is more that of description than of definition or analysis, with the result that the discussion lacks systematic form and sequence. The descriptions are somewhat hit or miss, and are not always consistent within themselves. Totalitarianism, for example, is defined, not as a doctrine as one expects an "ism" to be, but as "a system of government under which every branch of life is organized and integrated with the rest according to a complete ideological program." Moreover, although the initiated may find it suggested by implication, Dr. London nowhere makes it unmistakably clear that the essential core of totalitarianism is the concept of a totality separate from and more important

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than the individual, and that the methods and in large part the form of a government dominated by the totalitarian ideology are its natural results.

Although early in the discussion of democracy we read: "Democracy is first of all a recognition of the dignity and worth of the individual; its other aspects follow from this fundamental concept," the author, after a rehearsal of the governmental institutions that usually *do* follow from the democratic concept, writes: "Consequently [and not initially as we have been led to think] democracy rests upon a profound faith in the capacities of human nature." There is (p. 18) a failure to distinguish between state and government; the discussion of rights (pp. 20–21) leaves one quite in the dark as to the kind of rights—"natural," moral, or legal—that the author has in mind.

One reluctantly concludes, therefore, that the Introduction does not accomplish all that the author intended. Its lack of preciseness, also, is carried into the body of the book. The book deals not only with political ideologies and political institutions and historical backgrounds, but also with economic and educational systems. As a result, the material becomes somewhat thin and generalizations are necessarily broad and tend to be misleading if not actually incorrect, as in the statement that "customarily the British Cabinet will resign as a unit if its proposals are rejected by Parliament" (p. 390), and that "members of the House of Lords are peers of the realm, membership is hereditary" (p. 391). The statements about capital in the Soviet Union are too unqualified (pp. 280–281). The discussion of the various educational systems under review are perhaps the most successful sections. The writer evidently intended the book to serve as a college text, but its usefulness for this purpose is questionable. That Dr. London knows a great deal and at first hand about his subject is evident on every page, and wise interpretations and observations abound. Most of the material, however, has already been presented more precisely in books under the various disciplines that the author here attempts to bring together into too little space and in too unsystematic form.

ELLEN DEBORAH ELLIS.

South Hadley, Mass.

The Hays Office. By RAYMOND MOLEY. (Indianapolis and New York: The Bobbs-Merrill Company. 1945. Pp. 266. $3.75.)

It should be a source of satisfaction that a political scientist undertook the task of telling the story of the Motion Picture Producers and Distributors of America, commonly known as the Hays Office. Raymond Moley saw in the Hays Office "an experiment in self-government" worth studying. Much of the research for the book was done in 1938 and 1939, with access to the personnel and records of this organization. The manuscript was then set aside for five years, at which time it was revised in

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the light of the war's impact upon the motion picture industry. The author describes the history of the activities of the Office under the leadership of Will H. Hays, emphasizing the thesis "that only through a larger measure of self-government could business escape the paralyzing hand of government bureaucracy and politics."

To Dr. Moley, the converging forces that led to the organization of the Hays Office in 1922 were (1) the growth of the industry to national and international proportions; (2) the social upheaval known as the Jazz Age; and (3) the drive of the reforming forces. The reader is treated to an exhaustive account of the problems facing Mr. Hays and his staff. His contacts with religious, civic, welfare, and educational groups constituted the "Open Door" through which he attempted to secure the help that would result both in the production of and the demand for better pictures.

The more significant sections of the volume are concerned with the development of the system of self-regulation within the industry. This evolution carried the industry from the informal promise to behave itself in 1922, to the use of the "Formula" in 1924 under which the Hays Office was permitted to see the material planned for the screen although it had no power to reject objectionable material or to impose penalties, to the adoption of the "Don'ts and Be Carefuls" of 1927, which were formalized abjurations and constituted "the first systematic statement of standards of decency and morality to be adopted by the industry."

The weaknesses of these earlier devices at self-regulation led to the drafting in 1930 of the present Production Code by Martin Quigley, publisher of trade papers, "a distinguished Catholic layman," and Father Daniel J. Lord, professor of dramatics at the University of St. Louis. However, enforcement of the Code, "the Magna Carta" of the industry, followed the organization of the powerful Legion of Decency, and with Joseph I. Breen in charge, over 10,000 certificates of approval have been issued since 1934. The appendix contains the text of the Production Code, its interpretive sections, and sundry relevant data.

The story of the Hays Office abroad, describing the problems of the organization before and during World War II, is the most informative and valuable chapter of the volume. Despite the restrictions and dislocations of the war, the motion picture industry continues to derive thirty-five to forty per cent of its total production costs from foreign markets. Undoubtedly the post-war period will prove most critical.

In the final section, entitled "Hays, the Catalyst," the author discusses a number of controversial intra-trade problems, among the most vexatious being distributor-exhibitor relations. Furthermore, the author's account of the motion picture struggles under the Sherman Act should serve as useful background for the monopoly action against the industry, now pending in the courts.

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The task performed by the Hays Office in the twenty-three years of its existence convinces one of the wisdom displayed by the motion picture executives in selecting an administrator from high political circles. The coöperation from the State Department has certainly been effective in Hays' dealings abroad. Congressional contacts have brought dividends to the industry, and undoubtedly the small number of state censorship laws bears testimony to Hays' resourcefulness in these quarters.

The author ascribes the immense misunderstanding of the powers and activities of the Hays Office to the "unique manner in which the Hays institution has grown and in the unusual and complex personality of Hays himself." Professor Moley's volume goes a long way towards making the Hays Office better understood. However, a more critical analysis of censorship as practised by the Office under the Code, a fuller discussion of the financial resources of the organization, and a franker discussion of the Hays lobbying techniques would have made the volume an even more valuable instrument for the removal of misunderstanding.

BELLE ZELLER.

Brooklyn College.

Municipalities and the Law in Action: 1945 Edition. EDITED BY CHARLES S. RHYNE. (Washington, D. C.: National Institute of Municipal Law Officers. 1945. Pp. 500. $10.00.)

The eighth volume of the proceedings of the municipal legal officers of the United States is a valuable and comprehensive record of the legal problems of municipalities during the third year of the war and a foretaste of postwar problems to be faced. The content of this volume divides itself into three distinct sections. The first constitutes the reports of twenty committees which have been working during the year, and who submitted their research to the annual convention. The second part contains papers or speeches before the convention; while the third part summarizes the discussion at the sessions of the annual meeting on city war problems and experience. Other regular business of the Institute is noted concerning the drawing of model ordinances and appearing as *amicus curiae* in cases affecting all municipalities. The matters appealed (and, incidentally, all decisions were rendered contrary to the Institute pleading) were concerning federal contractors paying local taxes, the New Jersey tax foreclosure law, and FHA construction without complying with city ordinances.

The new Model Statutes and Ordinances issued this past year, and added to twenty-four others used widely throughout the United States, were on mechanical amusement devices—juke boxes—cigarette vending machines, municipal regulation of circuses, and a revised model airport zoning act worked out in coöperation with the federal Civil Aëronautics

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Administration. Other ordinances are being prepared in conference with numerous federal agencies concerning housing, surplus war property disposal, parking meters, ultra high frequency radio allocations for police and fire departments, power distribution, and public works in postwar employment allocations.

Some of the more important of the twenty committee reports which should be of interest to all governmental legal officers, many functional administrators, and teachers of courses in municipal administration or administrative law, are noted here. Perhaps the most frequently mentioned subject running throughout the volume, in addition to the usual wartime problems, is the search for new sources of municipal revenue. Relations with other levels of government are found in the reports on federal-city relations, public housing, revenue from federally-owned property, city-state relations, and inter-municipal agreements. Reports on financial matters covered taxation and revenue, municipal bonds, and revenues from municipally-owned utilities. Other committee reports of interest were on public utility operation, model ordinances, ordinance enforcement and interpretation, contracts, traffic court reform, planning and zoning, civil liberties in wartime, and city employee problems.

President Ray L. Chesebro, city attorney of Los Angeles, gives an excellent presidential address on the position of the municipal law officer, in addition to summarizing the work of the Institute during the past year. A serious warning against the encroachments upon local government seems to be the chief emphasis in his remarks, and a warning too little comprehended by our municipal officials. Other papers presented at the convention were on tort liability, elimination of blighted areas, technique of opinion writing, federal loans to cities, the Philadelphia wage tax, land tax collection, airports, Canadian government, and taxation of the Crown in Canada.

This set of volumes, running from 1938, is to be commended as a valuable source of current record and historical progress of municipal law, and should be especially useful for the practicing municipal lawyer, student, and teacher of legal research. The committee reports carry excellent citations, compilations, and digests of cases which should be invaluable to the city attorney or lawyers having clients with cases against municipalities. There is an excellent index of forty-three pages which every editor and textbook writer would do well to emulate.

EDWIN A. COTTRELL.

Stanford University.

The Virgin Islands; From Naval Base to New Deal. BY LUTHER HARRIS EVANS. (Ann Arbor, Mich.: Ann Arbor Press. 1945. Pp. xi, 365. $3.50.)

The purpose of this book "is to describe in some detail the government

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of the Virgin Islands as it has developed during the period of American administration; to indicate the more important policies which have been followed by territorial officials and by the government in Washington; and to suggest a limited number of recommendations concerning future policies." The manuscript, with the exception of a few minor changes, was completed in 1935. It is apparent from the publisher's note that the book was not deemed of sufficiently wide interest to warrant publication at that time, but that the present possibility of further colonial expansion by the United States for the sake of security is the occasion of a change of viewpoint with respect to the timeliness of the subject.

In a brief introductory chapter, the author points out several popular misconceptions stemming from the mistaken notion that the United States ruined the economy of the Virgin Islands and neglected to repair the damage. Two chapters, based chiefly on the works of Westergaard and Tansill, give a short account of the history of the Virgin Islands under Danish rule and of their purchase by the United States. Succeeding chapters describe in considerable detail the functions of the executive and legislature, the general administrative system, public finance, and law and the courts, and give a rather comprehensive analysis of the numerous proposals for drafting an organic act. Next, the accomplishments and shortcomings of the Navy governors and of the Pearson régime are examined. In a concluding chapter, an appraisal is made of American administration of the Islands for the first eighteen years, and finally there is an "Epilogue on Politics," which contains a few general principles for the guidance of colonial administrators. The Organic Act of the Virgin Islands (1936) is appended.

This is an interesting and competent study of the problems inherent in the government of one of our smallest possessions. It is the only scholarly account of the Virgin Islands under American rule. Certain parts of the book contain a great amount of detail, but it is handled skillfully and attractively. It is unfortunate that the author was not able to bring the story up to date, for a detailed description of an obsolete governmental structure may fail to hold the interest of many readers.

Within the limits of the purpose of the book as described by the author, he has done an exceptionally good job. The author himself does not claim for it a wider significance. Obviously it was not intended to be a guide for colonial administration in general. It does warn us of the problems we may expect to encounter if we acquire additional territory in the Caribbean area, where conditions on the whole are similar to those found in the Virgin Islands. In the Pacific, however, where expansion will most likely occur, entirely different circumstances for the most part prevail. Attempts to solve economic and social problems there can presumably be made without the encumbrance of considerations of sentimentality and political

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pressure, which, as this book well describes, have played such a large part in our governmental policies with respect to the Virgin Islands.

J. S. G. CARSON.

Washington, D. C.

Time for Planning. BY LEWIS L. LORWIN. (New York: Harper and Brothers. 1945. Pp. xxii, 273. $3.00.)

During the past fifteen years, Dr. Lorwin has been active in exploring and discussing economic planning, and he took a leading part in founding the National Economic and Social Planning Association. He has selected several of his articles for republication with the purpose of tracing "the origin of the 'planning movement' of the 1930's," of contributing to "a systematic analysis of the economic and political foundations of national planning," and of relating national policy to world peace. To them he has added three new chapters.

Mr. Lorwin's definition of the term "planning" is inclusive: "Planning is an attitude of mind, a method of doing things, and a philosophy of social-economic organization and action. It is developing a body of principles and policies which are replacing *laissez faire* as the guiding ideas of the twentieth century." Grateful as we must be to him for his activity in stimulating interest and discussion during these troubled years, we may nevertheless find that there is now needed a sharper refining of terms and focusing of detailed analysis than such an inclusiveness permits.

The view that "planning" is a new body of principles and policies may be harmful, in that it may lead us to ignore the experience with policy-making and with administration which can be helpful if we will study it in concrete detail—for example, in analyses of budget procedures and administration, or the making and execution and appraisal of military staff plans. And is not the body of ideas ascribed to planning more usefully viewed as a continuation and intermingling of older policies whose analysis and implementing we are endeavoring to improve as various conditions coerce us into greater use of government?

It is a merit in Mr. Lorwin's essays, now that they are so collected as to give a cumulative challenge, that they raise such questionings, and invite the reader to examine terms and vague notions that we have too much taken for granted, or used too impulsively for slogans of approval or dislike. Most readers of this journal will long since have read many of these papers, since their author has probably more than any one else become recognized as specializing in the "planning" topic of the 1930 decade's version. They will appreciate the useful recording of recent developments, the stimulating observations, and the efforts to systematize a still elusive flow of experience; they will respect the even temper, the sense of balance, and the good manners with which highly controversial matters are discussed.

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In his final chapter, which is published for the first time in this volume, Dr. Lorwin relates his interpretation of planning to various currents of action and thought characteristic of the twentieth century. He finds that "the concept which has been emerging as a result of recent experience and thinking is that of *social man*" in contrast to the "economic man" and "class-man" of the classical economists and Marxians. He turns to a "social-energic interpretation of history" and to planning as "the basic idea of the twentieth century" which promises to contribute to external and internal peace "only to the extent that the plans made are workable. . . . " The essays have a value in this effort toward locating intellectual relationships, this search for the ecology of the use of the term planning, and as source material in the analysis of how assumptions originate. The teacher will supplement them, if they are to be used most effectively, with concrete case-studies of policy-making in city, metropolitan area and region (for physical environment development helps mightily in grasping an idea, and portrays more rigorously failure or success in planning), in commodity policies, and in budget programs and procedures.

JOHN M. GAUS.

University of Wisconsin.

Federal Finance in Peace and War. BY G. FINDLEY SHIRRAS. (London: Macmillan and Company, Ltd. 1944. Pp. xvi, 377. $5.00.)

The general plan of Shirras' book is to divide the subject-matter, after two introductory chapters, into three parts: the first, a series of chapters each dealing in turn with a particular federal financial system (United States, Canada, Australia, South Africa, and India); the second, two chapters on the general problems of intergovernmental fiscal relationships in federal states; and the third, a collection of statistical tables presenting important facts about the economies and the financial systems of each federation studied in Part I. The data assembled in Part III are intended to supplement and amplify the tabulations of quantitative information in the first two parts.

The study constitutes a discriminating brief analysis of the distribution of functions between levels of government couched mainly in terms of the expenditures incurred, a similar examination of the distribution of revenues, and a kindred consideration of the debt situation. The year studied in detail is mainly 1937–38, but there are variations depending upon the availability of statistics. However, Shirras examines earlier data in order to define tendencies, and also gives careful consideration to figures for the most recent war year for which they were available to him, in order to ascertain, as far as the general plan of the work would permit, the changes in the general complexion of fiscal systems brought about by the war. On the whole, the author is successful in bringing to light the mean-

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ingful characteristics he wishes to ascertain. It is true that the seeming lack of current personal contact with the states involved leads to some unfortunate minor inadvertences. For instance, he overlooks for the United States Special Study No. 20 by the Bureau of the Census, *Financing Federal, State, and Local Governments: 1941*, a report which would have afforded statistics of a character needed but lacking; he appears to have consulted neither the publications of the National Tax Association nor the files of *Taxes—the Tax Magazine*, and in consequence misses much critical literature on the subject-matter of his chapter on the United States; he erroneously interprets the crediting provision in the American estate and employment taxes (p. 228); he finds (p. 229) "at least 175,000" taxing authorities in the United States, whereas the Bureau of the Census (*Governmental Units in the United States: 1942*, p. 9) discovered but 155,116. These slips, however, are unimportant to an appraisal of the unquestioned success of the volume in revealing major issues of governmental financial policy—that is, in achieving the author's purpose.

The manner of presentation is much the same as in the same author's earlier and well known studies of governmental problems. Here he occasionally produces a distinctly somnolent feeling in his reader by introducing long series of statistical data directly into the text. In sharp contrast with frequent wearisome textual passages, the numerous tables are carefully constructed and edited.

The significant conclusions can be indicated briefly. (1) The author is able to say to his own satisfaction how regressive or progressive particular national tax systems are. Australia and particularly India especially favor regressive taxes. (2) No one plan of intergovernmental coördination will be satisfactory in all federal states. On the contrary, constant readjustment will be essential in each of them. (3) The Groves proposal for a "federal-state authority" is accepted, but with enlarged responsibility. (4) The importance of studying public finance in relation to business cycles needs stress. (5) Better local statistics, more adequately classified, are commended, especially as to Australia and India. With these and other findings (except perhaps in the case of the proposed federal-state authority), practically all students of the financial problems of federalism will agree. They will perhaps not agree with the author's emphasis on wholesale solutions, but will often be inclined to commend making haste more slowly and in a way more calculated to invoke administrative action.[1]

JAMES W. MARTIN.

University of Kentucky.

[1] Note the agreement by three of the men who worked on the American report on Intergovernmental Fiscal Relations in National Tax Association, *Proceedings of the Annual Conference*, 1944, pp. 222–232.

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Postwar Fiscal Requirements—Federal, State, and Local. By Lewis H. Kimmel and Associates. (Washington, D. C.: Brookings Institution. 1945. Pp. viii, 166. $2.00.)

This is the sixth in the series of Brookings Institution studies of post-war readjustment and reconstruction. The preceding publications relate to questions of "collapse or boom" at the end of the war, the public debt, reëmployment, tax policy and business expansion, and the probable magnitude of the national income.

The purpose of the present monograph is to estimate the probable "magnitude of the [federal, state, and local] financial obligations that are being assumed and accumulated" for "1949 [which] . . . even under the most favorable circumstances . . . is likely to be the first year in which an approximately balanced budget might be attained."

It is assumed, for the purposes of estimating, that: (1) the war would end by mid-1946; (2) there will be no sharp change from 1940 to 1949 in distribution of total activities between the private and public sectors of the economy; (3) the general price level of 1949 will be no higher than in 1943–44 and the compensation of civilian government employees will have advanced since 1940 in rough proportion to the advance in the cost of living; (4) production and employment in 1949 will be at fairly high levels (national income of about $130 billions—and national debt of about $310 billions).

The estimates are of *cash* expenditures; for example, they exclude transfers to trust and other funds that do not require cash until later years. Grants-in-aid are counted as expenditures of the government making the grants rather than of the government receiving them, except where otherwise stated. In some tables, grants are presented separately so as to show expenditures by functions as well as by areas or levels of government. The authors state in the introduction that they have attempted to show what government expenditures are *likely* to be rather than what they think they *should* be; in fact, they do not discuss the merits of divergent theories of fiscal policy as they relate to public expenditures, taxes, or debts.

They estimate that probable federal expenditures of 1949 will be more than two and one-half times those of 1940; state expenditures in 1949 will be one-third greater and local expenditures one-fifth greater. If grants-in-aid are included, so that state and local expenditures are considered on functional bases, the increases in 1949 above those in 1940 will rise to 46 per cent and 26 per cent, respectively. By far the greatest increases in estimated federal expenditures (amounts) between 1940 and 1949 are those for: (1) national defense; (2) interest on the public debt; (3) veterans benefits; and (4) aid to agriculture.

The increases in the estimated state and local government expenditures

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are for very different purposes, and they are nothing like so large as the federal increases. The largest increases in estimated state expenditures are for: (1) education; (2) promotion of transportation (highways and aviation), and (3) public assistance; in estimated local government expenditures, they are for: (1) education and (2) promotion of transportation. It will be noted that the estimates include nothing for debt reduction, and most of them do not include social security payments.

Dr. Kimmel and his associates have done an excellent job of presentation. They have not only presented excellent summary tables and graphs in their first chapter, but they have shown in succeeding chapters how they have arrived at their various estimates. They have made allowances for important contingencies—for example, for whether general compulsory military training will be adopted or not and whether social security coverage will be increased greatly or only slightly.

Not every one will agree with all items of their estimates, but most students who commonly require only reasonable approximations can make revisions of such parts as they desire to amend and proceed to their more ultimate calculations with a minimum of trouble. Doubtless many will find these estimates very helpful.

They emphasize anew: (1) the great permanent increases in public expenditures which war brings; (2) the increasing dominance of the national government; (3) the increasing rôles that will be played by certain groups—veterans, farmers, and other recipients of governmental payments. The rôle of the labor group is not very conspicuous in this monograph, but it, too, is discernible to those who can read between the lines.

ROY G. BLAKEY.

University of Minnesota.

City Development. By LEWIS MUMFORD. (New York: Harcourt, Brace and Company, 1945. Pp. 248. $2.00.)

With the publication of *The Culture of Cities* in 1938, Lewis Mumford's reputation in the field of city and regional planning was firmly established both at home and abroad. The current volume, *City Development,* is a collection of his best essays in the planning field. The first of these, "The City," was written in 1922. Nevertheless, it possesses a freshness and a relevancy which make it valuable reading for the student of city development today. In it, Mumford contrasts with superb skill the provincial culture and community life of early New England with the pseudo-culture of American cities of later commercial and industrial periods. He emphasizes the effects of these cultures on planning. He deprecates the departure from communal motivation and realism in city and regional planning, and, more especially, the increased emphasis on getting and

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spending and the efficacy of numbers and bigness. He dares to say that "our metropolitan civilization is not a success."

In "The Metropolitan *Milieu*," the author attempts to show "how a particular environment not merely molds the human personality but often reactivates it, developing compensatory interests that offset its evils and make possible a fuller human growth." The evils for which some offset seems imperative stemmed from the mad scramble for money and power which has dominated New York and other American cities since the decade following the Civil War. With the raw materials of beauty and symmetry all around in the form of earth, sky, water, and trees, money-mad Midases would have none of them unless they could be "described in a legal document, appraised quantitatively, and converted ultimately into cash." While the picture of megalopolis reflects a low moral tone, some hope remains so long as the artist with brush, pen, or camera blossoms forth periodically to focus attention on the finer things of life.

In one of his less exciting—none the less important—essays, Mumford admits the value of mass production in the housing field, but denies that it will of itself solve the problem of housing. In contrast, one senses that the "Report on Honolulu" was written with an inspired pen. "In short," writes Mumford, "Honolulu is a city that has only to learn how to conserve and utilize its natural advantages to remain one of the most attractive spots on earth. . . . "

In "Post-War Building," it is insisted that our task is not one of merely rebuilding demolished homes and ruined cities, but one of replacing an outworn civilization. Perhaps the most fascinating of the six essays is the author's critical evaluation of "The Plan of London." Many students of planning have looked hopefully to the experts of devastated cities for a "model" plan, but, according to Mumford, such is not to be found in the London Plan. In fact, he considers the product "a series of well-organized planning schemes" which are woefully lacking in urban statesmanship. Once more the spirit of Gargantua has dominated, and the author takes the London County Council to task for its failure to come to grips with reality. " . . . The failure to face the problem of population as an essential to correct design of cities is, quite literally, suicidal." Perhaps the biggest problem facing planners of large cities is that of creating a favorable biological environment. The answer to this problem, in the author's opinion, must be worked out experimentally.

It goes without saying that *City Development* should be "must" reading for those with a serious interest in city and regional planning. One is made to wonder when a seventh essay will be appended to the present collection dealing with the most amazing of all recent scientific discoveries—atomic energy—in its relation to metropolitan and regional planning.

J. C. PHILLIPS.

University of Pennsylvania.

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Boundary-Making. By Stephen B. Jones. (Washington: Carnegie Endowment for International Peace. Distributed by the Columbia University Press. 1945. Pp. xv, 268. $3.00.)

It would, of course, be a mistake to expect any technique of boundary-making to provide permanently satisfactory lines, for even the best boundaries are nuisances. Nevertheless, costly errors may be avoided by the provision of adequate information, procedures, and personnel in the delimitation and demarcation of boundaries. Dr. Jones recognizes these facts, and in this handbook addressed to those who are responsible for making and maintaining boundary lines, he has given some excellent suggestions.

The author was on the staff of the Department of State in 1942–43 as an official in the Division of Geography and Cartography. He acknowledges his indebtedness to Mr. S. Whittemore Boggs, the chief of the division and the contributor of a foreword to the book, for the opportunity to make the study. It is quite evident that Dr. Jones had access to a rich source of materials which, he explains, were made available in the library of the Department of State.

Part I of the volume, entitled "The General Situation," is a discussion of the nature and purposes of boundaries. Because it is intended only as an introduction to Parts II and III, this portion of the book is brief and summary in content. Dr. Jones expresses, however, several interesting opinions. He is skeptical of self-determination because "it makes nationality the basic criterion for territorial division in a world suffering from too much nationalism." He objects to large-scale transfers of populations intended to simplify territorial problems. While the reader will agree with some of the opinions expressed, the impression may be left that they have not always been adequately reasoned. The discussions of the economic functions of boundaries and the legal aspects of boundary problems in Part I are the weakest portions of the entire volume.

Parts II and III are first-rate contributions and should prove most helpful to boundary-makers. In Part II, Dr. Jones deals with delimitation, discussing very effectively such subjects as the causes of faulty delimitation, pre-delimitation field work, the use of maps, mountain boundaries, river boundaries, and geometric boundaries. He wisely asserts that "boundary definition cannot be reduced to a set of rules," and points out that the main requisite is "awareness." He argues that reconnaissance of the site is necessary to attain this awareness.

Part III relates to demarcation. The author maintains that delimitation should be in general terms so as to permit the demarcation commission sufficient discretion to enable it to adjust the line to local needs and conditions. He discusses some of those needs and conditions and makes constructive suggestions for meeting them. Other aspects of demarcation

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are treated, including the personnel of commissions, records, reports, and monuments. Generally, Part III is organized as the "probable life-history of a demarcation commission," with a consideration of its problems and the methods that have been used in the past to meet them. The strength of the discussion, with the suggestions and opinions which are given throughout, derives in large part from the fact that it is based on the published reports of demarcation commissions. While Dr. Jones does deal in some detail with the subject, he makes it clear that it is not his intention to provide a complete handbook on demarcation methods and that material on surveying, map projection, and other technical subjects must be sought elsewhere. Appended to the book are the text of the instructions to the demarcation commissions set up under the Paris treaties of 1919 and a report on the field methods of the commission for Hungary and Yugoslavia.

The usefulness of Dr. Jones' work is greatly enhanced by a clear and readable style. While intended primarily for boundary-makers, the volume will be of interest to historians, political scientists, and others who concern themselves with territorial problems.

NORMAN L. HILL.

University of Nebraska.

Look to the Frontiers. BY RODERICK PEATTIE. (New York: Harper and Brothers. 1944. Pp. xii, 246. $3.00.)

In this book, Roderick Peattie, a geographer at Ohio State University, has produced a brief political geography that laymen can understand and appreciate. Written in the terse and lively style that characterizes all of Peattie's books, this one has been designed not so much for scholars as for that large audience of Americans which is greatly concerned about the planning for a peaceful world. It is intended as a contribution to democracy. In Peattie's skillful hands, geography becomes not merely a study of locations and boundaries, but a social philosophy as well. Like Wendell Willkie, the author is convinced of the oneness of this world and of the urgent necessity for a closer world federation through the elimination of such obstacles as narrow nationalism, absolute sovereignty, and national and colonial autarchy.

The book is composed of five parts. The four chapters comprising Part I are devoted to the laying of a philosophical background. Geography is analyzed as a way of thinking; the concept of regions and regionalism is elaborated, and the evils of nationalism and geopolitics are denounced. The five chapters in Part II deal with the problem of national boundaries and with the qualities of mountains, strandlines, rivers, and arbitrary man-drawn lines as boundaries. In Part III, the previously developed philosophies and concepts are applied to the concrete problems of peace

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in Europe. It is here that the author's idea of zonal boundaries is presented and elaborated and the feasibility of small states discussed. Part IV, in a much briefer and less discriminating fashion, similarly handles the boundary and peace problems of Asia. In Part V, the world, rather than individual continents and countries, is Peattie's concern. The wisdom of internationalizing strategic sites, such as Gibraltar and the Panama Canal, in the interest of world peace is seriously advocated. In the final and summary chapter, the author pleads for the concept of a geographic world unity.

The thesis of this small book is that national boundaries with few functions are more serviceable to man than boundaries with many and important functions. Transportation and commerce have shortened distance and time, thereby tending to make the world a single interdependent community. Throughout the ages, commerce has been the cause for the extension of human knowledge and the great leaven of civilization. "... civilization progresses in an almost direct proportion to the increase in commercial contacts." As a consequence, political and economic boundaries and frontiers that tend to hinder communication and trade are barriers to the advance of civilization. Whoever will accept these theses, according to Peattie, has come to use geography as a way of thinking. Such a person is also sympathetic to plans for world federation.

Peattie, the geographer, is definitely to the left of center. His profession may have made him so, for he writes: "To face the realities of geography always leads one to the social left." But what he writes in *Look to the Frontiers* is, most of the time, convincing. One has a feeling that it is born of great sincerity and written with missionary zeal.

GLENN T. TREWARTHA.

University of Wisconsin.

Japanese Militarism; Its Cause and Cure. By JOHN M. MAKI. (New York: Alfred A. Knopf. 1945. Pp. x, 258, vi. $3.00.)

This is a book which should be read and re-read, marked—and remarked—and "inwardly digested," not alone by *all* Americans (especially the members of the national government), but by Europeans, Chinese—and the Japanese themselves. Not that there is anything strikingly original in either the material presented or its interpretation; but because, in brief and agreeable form, the study constitutes so objective and altogether competent a survey of the course of Japanese history, and because the American-born but, in part, Japanese-educated, author is so unemotionally sensible in his arguments and conclusions.

The keynote is struck in the opening paragraph: "The war against Japan is a war against people and a war against ideas. The United Nations are winning the war against people, but they have yet to give con-

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vincing evidence that they are attacking the ideas that have made Japan dangerous. Defeat of the people will mean victory in the war; but only defeat of the ideas will make possible a peaceful Japan"; and in the declaration (p. 3): "If Japan can also dupe her enemies into believing that this war is a racial war, she will have succeeded in diverting our attention from her dangerous ideology. If we fall into the trap of regarding the war as racial, we shall put it on an emotional basis that has no connection with the war against the ideas on which Japanese aggression is built."

Throughout his analysis, the author makes clear the weight of history which has burdened the Japanese in recent centuries—history which is so little known and appreciated by so few Westerners, especially those in the policy-forming and policy-implementing sections of their governments. There is nothing sentimental and nostalgic in Mr. Maki's approach to his subject. Devotees of Lafcadio Hearn's interpretations of "ghostly Japan" and of Lady Murasaki's *Tale of Genji* will find no allusions to the turning of maple leaves, to flower-arrangement and tea ceremonies, to torii and lichen-covered stone stairways leading to ancient shrines, to moated castles and to moon-drenched Fujiyama. Instead, they will be enlightened by cold and crystal clear analyses of the oligarchies which through the ages have controlled the land in their own interests from the dawn of its history; of the stratification and regimentation of Japanese society; of the manner in which religion, both imported and made-in-Japan, has been made to serve the purposes of the oligarchs and not the needs of the people; and of the ways in which the Japanese masses have been prevented from preparation for and participation in self-government. Never has there been a social revolution in the land of the cherry-blossom; never have the people risen en masse to destroy those who exploit them in the name of the divinities. Changes in the personnel of government—yes; changes of capital—yes; civil wars on occasion between clans and political groups—yes. But *never* a revolution out of which has eventuated anything even dimly approaching government of, by, and for the people. The "divinely descended" inhabitants of the Land of the Gods" have but constituted the mortar in a "divinely" founded structure

Each of Mr. Maki's chapters (The War Against Japan, The Political Oligarchy, The Economic Oligarchy, The Emperor Idea, Foreign Influences and Anti-Foreignism, The Authoritarian State, Background of War, The Future of Japan) is an almost independent essay, beautifully and clearly expressed, full of—but never burdened by—facts, full of—and lightened by—ideas. And yet, so wisely integrated in logic are the essays that the unity of the work is maintained throughout. The story of Japan is complete.

Especially admirable is the way in which the myth of tenno-divinity is interwoven. Like a jeweler, the author gently hammers the fact home,

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time and time again, of the danger to world peace contained in this myth. Time and time again is the idea driven home of the hopeless condition of the people in the structure which the oligarchs have built and rebuilt through the centuries." The result of all these moves has been to transform the emperor, not into an effective ruler of his nation, but into the dangerous symbol of the Japanese chauvinism that has brought death and suffering to millions of non-Japanese, and which has led the Japanese themselves to the most dangerous position they, as a people, have ever known (p. 122). And what does Mr. Maki propose? Shall the emperor be retained? Shall he be handled as was Nicholas II? Shall he be used by the United Nations to carry out their plans when the war is "over"? Shall the Japanese be encouraged—or even permitted—to stage a revolution of their own? The answer is simple: read the book, again and again, and mark—and inwardly digest it.

HARLEY FARNSWORTH MACNAIR.

University of Chicago.

Security in the Pacific; A Preliminary Report of the Ninth Conference of the Institute of Pacific Relations. (New York: International Secretariat, I.P.R. 1945. Pp. 169. $2.50.)

The Ninth Conference of the Institute of Pacific Relations was held in January, 1945, before there was any certainty of the early end of the war in either Europe or Asia. Likewise, there was little certainty about the policies of the United Nations in the postwar treatment of either Germany or Japan. But in contrast to the atmosphere at the eighth Conference of the Institute at Mont Tremblant, Canada, in December, 1942, eventual victory of the United Nations over the Axis powers was assured, and it was equally assured that the United States would play its part in the development of an international organization to maintain peace after hostilities.

Unlike prewar conferences of the Institute, the national representatives present tended to reflect the official points of view and policies of their governments, or at least felt called upon to make the official views clear. This was due to the fact that a large percentage of representatives were also government officials, even though they always spoke in their private capacity. Although this situation prevented a free give and take of experts without official connections, the report more truly reflects the conflicts of national policies on the questions under discussion.

On the vital question of security, discussions ranged far ahead of the Dumbarton Oaks proposals, one round table taking as its motto, "Dumbarton Oaks or better." On the other hand, there were skeptics present who questioned the effectiveness of a new organization; but there was less support for the development of regional security systems than at the

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previous conference. Discussion of colonial problems showed little advance from the constructive proposals of the Mont Tremblant Conference, and the report of this discussion in the volume indicates little hope for a progressive solution to the problems of dependent peoples, and is not indicative of the significant advance made at the San Francisco Conference.

The whole Conference discussed the postwar treatment of Japan, and there was less evidence of national differences on this subject than on others, like the colonial problem. There was general agreement that Japan should be totally disarmed and policed for an indefinite period. On treatment of the Emperor, the Imperial institution, and the Zaibatsu, or big industrial combines, differences of opinion clearly cut across national lines, indicating the difficulties in formulating policy which have since been apparent in fixing the final surrender terms.

Most of the reported discussions show clearly that the representatives present realized the necessity for development of healthy economies in the Far East as a requisite to peace and the fact that future security cannot be achieved easily, but demands continuous and coördinated effort of all nations.

The report of this conference is well worth study in revealing the nature and scope of postwar Far Eastern problems and the special interests of the nations around the Pacific. The Institute is to be commended for making available this summary so soon after the Conference and at a time when Far Eastern problems are bound to command more and more attention.

WILLIAM C. JOHNSTONE.

George Washington University.

Asia for the Asiatics. BY ROBERT S. WARD. (Chicago: The University of Chicago Press. 1945. Pp. xiv, 205. $3.00.)

This book, by an American foreign service officer, is unique among narratives of personal experience under Japanese occupation. Mr. Ward utilized the six months' period of his internment in Hongkong to study the techniques of Japanese occupation. A valuable introduction by Lawrence Salisbury, who has served in Japan in our diplomatic service, emphasizes the importance of understanding not only the elements of Japan's policy of conquest, but the means by which the Japanese attempted and partially succeeded in making it effective.

The author describes the atmosphere of Hongkong as it was before the unexpected and unprepared-for attack of the Japanese on December 8, 1941. He takes the reader rapidly through the events of the siege and capitulation on Christmas day. He is naturally critical of many actions by Hongkong's defenders, but makes a successful attempt to be impartial and fair in his judgments. The bulk of his book is devoted to a searching analysis of the principal techniques used by the Japanese in gaining sup-

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port from the local Chinese populace, in handling foreign property, and in dealing with the foreigners interned in Hongkong.

In his introduction, he emphasizes that the pattern of Japanese conquest is characterized by a cold, ruthless determination to achieve the desired goals and a curious conception of a "divine" mission by which the Japanese rationalize their brutality by declaring its ends to be peace and prosperity for the victims. Mr. Ward shows how the Japanese clearly planned for a period of anarchy and looting following immediate occupation, as a means of frightening and forcing Chinese leaders of the community into submission. Details of the Japanese policy of reducing Hongkong's population, after thorough indoctrination in Japanese aims and ideology, discussion of measures taken to control finance and industry, transport and communications, all reveal the careful preparation undertaken by the Japanese long before Hongkong was captured. Utilization of various Chinese associations and guilds as well as other organizations is documented, and the author's description of the rapidity with which the Japanese moved to jail certain community leaders and played up to others again demonstrates careful advance preparation.

The most interesting parts of this book include the author's analysis of Japanese propaganda; and for the future, his estimate of its probable effectiveness shows the need for careful study of this aspect of Japanese conquest if we are to prevent a recurrence of Japanese aggression. It may be hoped that this little volume will be the forerunner of many more studies of the techniques of Japanese empire-building as more material becomes available to scholars.

WILLIAM C. JOHNSTONE.

George Washington University.

What To Do with Japan. By WILFRID FLEISHER. (Garden City, N. Y.: Doubleday, Doran and Company. 1945. Pp. 178. $2.00.)

The Future of Japan. By WILLIAM C. JOHNSTONE. Issued under the auspices of the American Council, Institute of Pacific Relations. (London, New York, and Toronto: Oxford University Press. 1945. Pp. viii, 162. $2.00.)

The general outline of the policies to be followed in the treatment of a defeated Japan will be determined at the highest political level. In due time, those policies will be ratified or modified, in the democratic countries, by public opinion. Any publication which promises to contribute to the creation of an informed public opinion on this grave problem is welcome. There is thus a very real place in contemporary political literature for these two little books.

Each of the authors has long been known for his interest in the contemporary Far East. Mr. Fleisher lived in Japan as a journalist for many

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years; Mr. Johnstone is well known for his published studies on the political and economic problems of East Asia, and for his association with the work of the Institute of Pacific Relations. To a considerable extent, their backgrounds and experiences are complementary. The same is true of these books, which discuss essentially the same problem from somewhat different points of view. Indeed, not the least notable feature of the volumes is the extent to which they indicate the areas of agreement and the areas of disagreement which may be found among informed Americans who have pondered the question of the future of Japan.

Within certain broad limits, the views of Mr. Fleisher and Mr. Johnstone are reasonably in agreement. Each advocates a program by which he hopes, in the words of Mr. Fleisher, "a penitent Japan, purged of her militarism, may return to the society of nations." Each recognizes that some modification of the political structure in the direction of a government more responsive to the wishes and needs of the Japanese people is essential to the rehabilitation of Japan and to the maintenance of peace in East Asia. Each accepts the necessity for a period of military occupation of Japan; each believes that some of the leadership in the political and economic transformation of Japan must be furnished by Japanese of goodwill; each is aware that the future of Japan will be largely moulded by its traditions and recent history; and each believes that the prewar pattern of Western imperialism in Asia has been a casualty of the present war. In detail and, to a considerable degree in spirit, however, the two authors reveal sharp differences of opinion. It is also notable that Mr. Fleisher devotes nearly one-third of his book to the problems to be faced in the areas to be liberated from Japanese domination—a topic almost completely ignored by Mr. Johnstone.

Perhaps because of his long residence in Japan, Mr. Fleisher presents a more modest program for the reformation of Japanese government and society. He seems more willing than Mr. Johnstone to accept the apparently liberal trend in Japanese politics after the first World War at its face value; he believes that, at least until the Japanese voluntarily abolish the Throne, the institution of the Emperor must be maintained, though preferably with some other emperor than Hirohito; he is confident that the desirable changes in political procedure can be accomplished by amendments to the present constitution; and he asserts that "we cannot undertake to revamp Japan's business structure." Apparently he is convinced that the victors should avoid imposing innovations which run counter to the experience and deepest convictions of the Japanese, lest the result be chaos and frustration rather than peace.

In contrast, Mr. Johnstone presents a detailed program of political, economic, and social reform which he believes essential if Japan is to emerge at some future date as a truly peace-loving nation. He insists that

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the institution of the Imperial Throne must be eliminated at once, lest it become again the rallying point of the militarists and monopolists who have dominated Japan in the last fifteen years. Like Mr. Fleisher, he believes that there must be modifications of political practice in the direction of parliamentary government, with the members of parliament elected by universal suffrage, but he believes that this can be accomplished only by the abrogation of the present constitution and the writing of a new one. He advocates a major revision of Japanese economy, primarily to deprive Japan of all power to wage war, but also to provide a greater degree of security to the hitherto under-privileged Japanese people; and he places great emphasis upon the reorientation of the educational system and upon the wide dissemination among the Japanese of information about the outside world. He is convinced that Japan must be compelled to accept a rôle as "an Asiatic Sweden," that is, as "a relatively prosperous middle-class power." These are bold proposals, designed to transform major aspects of the political, economic, and social institutions of Japan. Like the proposals of Mr. Fleisher, they are significant as representing the general ideas of one group of informed Americans who will certainly have a part in creating public opinion in this country with respect to the treatment of postwar Japan.

HAROLD WHITMAN BRADLEY.

Claremont Graduate School.

The Junker Menace. By FREDERICK MARTIN. (New York: Richard R. Smith. 1945. Pp. viii, 155. $2.00.)

From Democracy to Nazism. By RUDOLF HEBERLE. (Baton Rouge: Louisiana State University Press. 1945. Pp. v, 130. $2.50.)

Of these two books, Mr. Martin's is the more interesting and significant. His principal thesis is that the Prussian Junkers—a group of about 15,000 arrogant, conceited, ruthless, energetic, domineering, sinister, two-faced, greedy, self-indulgent, clannish, demented, immoral families—are mainly responsible for Germany's crimes against the world. By means of fraud, embezzlement, lies, hypocritical complaints, terror, and force, they first succeeded in gaining control of Prussia; then with the shrewd assistance of Bismarck they managed to pyramid their power over Germany; and finally, with the aid of Hitler, they almost won in their attempt to feudalize the whole of Europe. The first half of Mr. Martin's book is a clear and convincing exposition of Junker traits, methods, and sources of power.

In the second half, Mr. Martin deals with the problem of what to do with Germany. In his opinion, the country should be divided into several independent states of eight to ten million inhabitants each. These states should be oriented away from each other toward their non-German neighbors and the unity of the Reich destroyed. Various European federations

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should be formed in which the several German states would be linked to their neighbors and segregated as much as possible from each other politically and economically. Mr. Martin believes that such a breaking up of the Reich would promote the happiness of the individual German, ease the process of democratization, and improve relations between the German people and their neighbors.

Mr. Martin also urges vigorous measures to eradicate Junker-Nazism. Junkers should be dispossessed of their estates and privileges, and excluded from public office. Laws of entail and primogeniture should be abolished. Pension and tenure contracts of government and army officials should be modified. Care should be taken that remnants of Junkerism do not persist in any German police forces which are established. The Allies should continue to occupy Germany for many years. Reparations should take the form of capital and labor transfers. Above all, positive steps should be taken to democratize Germany and to give the German people a true sense of political and moral responsibility.

Mr. Martin is not as harsh toward the middle classes and capitalists as toward the Junkers. He is convinced that feudalism, not capitalism, is the root of the German menace. In attempting to assess the guilt of industrialists, he says, we should use their record before rather than after Hitler came to power, since most of them acted under duress after 1933. Moreover, although the middle classes finally gave their support to Hitler, Mr. Martin believes that most of them have learned their lesson, that they are fundamentally liberal and democratic at heart, and that they offer the most promising source of future, democratic leadership in Germany.

It will be difficult, however, for many to share this optimism regarding the future rôle of the German middle classes, and to accept the propositions (1) that they have really learned their lesson, and (2) that they have capacity for democratic leadership. In Mr. Heberle's opinion, for example, it was the lack of political experience on the part of the middle classes which helped the Nazis to win their support. Is there any evidence that the middle classes now have more political experience and capacity than formerly?

It is also difficult for many to share Mr. Martin's lenient attitude toward industrialists and others who would excuse their collaboration with the Nazis after 1933 by saying they were forced to do so. What would have become of the many valiant resistance movements if everyone had adopted this attitude? One striking proof of the thoroughness with which the Junker-Nazis accomplished their purpose and made Germans generally share their guilt is the fact that nowhere, neither in Germany nor outside, did Germans develop a real resistance movement. It is easy for the German middle classes and others to criticize the Socialists for not taking more vigorous measures against the Junker-Nazis in 1918 and after. But is this fair?

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Mr. Martin's proposal to divide the Reich into several independent states is his most questionable suggestion. And yet who knows but that force of circumstances may ultimately result in the occupation zones becoming states? In any case, one may be sure that the issue will not be decided by the Big Powers primarily from the point of view of German desires in the matter, but from the point of view of the interests of the Big Powers themselves. For the United States, the question is, how strong or how weak a Germany do we want, in view of the international distribution of power and our own national security? On the answer to this question will depend the answers to many other questions, such as the division of Germany, reparations, German reconstruction, and to some extent the question of punishing war criminals. The principal weakness of Mr. Martin's otherwise excellent study is his failure to see the German problem in its relation to the interests of the Great Powers.

From Democracy to Nazism is a collection of five papers concerned with the development of National Socialism. Except for brief introductory and concluding chapters, this volume is almost exclusively focused on political developments in Schleswig-Holstein wherein a careful analysis is made of political parties and election statistics before World War I and of political movements among the rural people from 1918 to 1932. On the basis of this analysis, Mr. Heberle reaches conclusions regarding the development of National Socialism which he believes are valid for Germany as a whole. He finds that until the National Socialists succeeded in suppressing freedom of opinion they were opposed by well defined majorities; that industrial and agricultural labor were relatively inaccessible to the Nazis; and that the middle classes were their main support. He also discovers that young people supported the Nazis because of their desire for leadership and a strong, centralized government; that conservatives failed to gauge properly the dynamism and drive of the Nazis; that local and regional Nazi successes in the elections of 1932 had a widespread intimidating effect; that the Nazis were successful in penetrating economic organizations as well as the administrative branches of government; that anti-Nazis failed to receive the support of the democracies; and that the Nazis were very adept in the use of devices of social control.

These conclusions will not surprise many students of National Socialism, although such students will be interested to see how a microscopic examination and analysis of election statistics in Schleswig-Holstein confirms their own analyses.

To supplement the purely statistical analysis, the author employs the "ecological" approach, an enterprise which will interest the methodologist. Ecology, he states, is "the study of the distribution and constellations of social phenomena in space." In making this approach, Mr. Heberle undertakes to correlate with election statistics data concerning the economic,

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social, and political life of the people. The results are suggestive rather than conclusive.

HARWOOD L. CHILDS.

Princeton University.

Germany; Economic and Labor Conditions under Fascism. BY JURGEN KUCZYNSKI. (New York: International Publishers. 1945. Pp. 234. $2.50.)

The author's introduction is dated November 7, 1943, the preface to the American edition, December, 1944. So at first glance it might seem that this book is out of date as much as an able historian's book on *The House that Hitler Built* or the book of an illustrious prophetess on *The Wave of the Future*. But from the first page it becomes clear that it still deserves careful study. For it is a condensed and strictly factual picture of what economic conditions made Nazism possible, and once it was established, of what was the general economic structure and policy of Nazism, what was, under it, the economic condition of the heavy industries, of the consumer goods industries, of foreign trade, of transport and banking business, of the large agricultural estates, and of the peasants. This forms the first part of the book. The second part shows how labor conditions developed in Germany after 1933, what became of the elementary rights and liberties of labor, of wages in general, of wages of specific categories of workers, and of relative wages. It further describes productivity and intensity of work, accidents and health conditions, and the social insurance system under Nazism. Then it tells the story of the life of the German worker, the child worker, the adult worker, the woman worker, the worker in old age—all based on reports of German factory and mine inspectors under Nazism, and finally how labor conditions changed from the first period 1933–37 to the periods 1938–39, 1939–41, and after June, 1941. In spite of its small format, the book contains no less than 102 tables, the selection and interpretation of which show the experienced and judicious economist and statistician.

The thesis from which the author proceeds is that fascism is possible only on the basis of monopoly capitalism. Then he shows how fascism serves only the interests of the gang leaders and the bosses of big industry, how these categories fuse (Hitler becoming the world's biggest publisher, Goering the largest industrialist, Himmler the largest agricultural landlord); how, on the other hand, Nazism from its beginning caused ruin, material and moral, to its own petty and middle bourgeoisie and to its masses of peasants and workmen; how fascism means terror, torture, theft, murder, war, from its first day of sway. What gives the book its lasting importance is that it derives the economic structure and labor policy of fascism out of its very essence and makes it clear that fascism

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can arise anywhere where monopoly capitalism rules and where a certain set of circumstances is given.

In describing what these circumstances were in the case of Germany, the author seems to have neglected the following factors: first, the dissolution of the social structure in consequence of the first World War, the social upheaval through the money inflation from 1919 to 1923, the new social turmoil caused by the economic catastrophe of 1929 to 1932, circumstances which created a kind of social morass and brought to the top the dregs of humanity; second, the development of modern techniques which made it possible to control vast masses with the highly perfected weapons of terror and coercion and with the modern apparatus of bureaucracy, public communications, cinema, and radio; and last, but not least, the rôle played by certain individuals who got control of that formidable apparatus of coercion and were thus able to shape the destinies of mankind on a scale larger than was ever before possible to single individuals.

The rise of Nazism can probably not be understood if one does not throw full light on and give full importance to the rôles played in its preparation and making by certain persons, e.g., by the leaders of the German socialist party and trade unions, who deserted the masses under their trust and prevented them from fighting for their liberties, and even more so by those personalities who after 1930 set out to destroy the political power of the organized socialist workers, by setting up what they themselves called an authoritarian régime, by excluding from it all socialists and communists, by ruling continuously against the laws of the constitution, by calling in Hitler and similar notorious criminals, by raising them from the status of offscum to that of "statesmen," finally by conferring on them unlimited power through voting the so-called enabling law of March, 1933. These were the rôles played by Dr. Heinrich Bruening, Reich chancellor from 1930 to 1932, by Dr. Schacht, president of the Reichsbank, by Franz von Papen, successor of Bruening, and other leaders of bourgeoisie and nobility who paved the way for Nazism.

ERIC DALE.

Washington, D. C.

The Forces that Shape our Future. By CLYDE EAGLETON. (New York: New York University Press. 1945. Pp. x, 200. $3.25.)

The professor of international law at New York University delivered six lectures under the Stokes Foundation of that university during November and December, 1943. While many of the situations to which the lectures were intended to apply have already been realized, the principles dealt with by Dr. Eagleton provide a splendid background for the intel-

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ligent layman's understanding of such situations. Moreover, the lectures may well be perused by Dr. Eagleton's professional colleagues. The author has a commendable faith in the ability of the average citizen, once given the facts, to think things through, and to act in the right direction.

The lectures begin with a brief but interesting account of the evolution of society from simple beginnings under frontier conditions to organized government. The author suggests an analogy in the international field, with international government resulting from international interdependence. Then follows a discussion of the unlimited and unbearable character of modern war, with its impact on all persons, things, and ideas everywhere. In addition, he stresses its extreme waste and cost. In an intriguing chapter entitled "The Plight of the Individual," Dr. Eagleton examines with consideration, but with keen criticism, the modern American business creed, and concludes that, good as it has been, it is no longer exclusively for America and the world. By the same token, he declares the inadequacy of the state. The dangers now faced by the United States are described as its "plight," economic and political, requiring substantial modifications in certain directions in the future, and most of all the problem of war, which the United States must, with other states, seek to control. The basic facts of international organization must be universality and integration. In this he includes a discussion of functional units, central organs of control, the settlement of disputes, and executive organization. Finally, concluding that Americans are human, he believes that there are ways out of the present abyss, and takes the pains to indicate some of them. There is a brief appendix of international documents of the first importance.

Such condensed and readable statements of important public and international problems make for understanding, and provide a basis for their just and wise solution. Through his connection with the Department of State and through his affiliation with the San Francisco Conference, Dr. Eagleton doubtless had an opportunity, in one way or another, to translate some of his principles into action. Nevertheless, he remains first the scholar and educator, without whose research and learning the statesman would be bankrupt and the citizen helpless.

CHARLES E. MARTIN.

University of Washington.

The Second Chance: America and the Peace. EDITED BY JOHN B. WHITTON. (Princeton: Princeton University Press. 1944. Pp. 235. $2.50.)

For the United States, 1945 has proved the year of decision on the vital question of whether or not this country shall avail itself of its second chance to give effective support to an international security organization.

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Now that Germany and Japan have surrendered, Americans realize that the United States must use its power at this moment of peak prestige in such a way as to insure the maintenance of peace. Under these circumstances, discussions of basic problems arising in connection with membership in a world organization, such as this symposium by members of the Princeton Group for the Study of Post-War International Problems, have the virtue of being constructive and timely.

In retrospect, the failure of the United States to join the League of Nations appears not merely as the result of efforts exerted by the little group of willful men, but as the consequence of widespread unwillingness to pay the price of admission to Geneva. As Gordon A. Craig notes in a retrospect on American foreign policy, there was considerable popular support for some kind of security organization at the close of World War I as long as the concept of international collaboration was a mere abstraction. But as the idea began to take on concrete form and it became clear that the new organization would involve certain adjustments on the part of the United States, many former enthusiasts began to have misgivings. With the experience of 1919–20 in mind, the other contributors to this book on America and the peace draw on their special knowledge in the realms of political science, economics, public opinion, and religious philosophy to point out some of the reforms the United States should undertake to insure effective participation in the new security organization that is now being established.

Among the most important changes advocated is the abandonment of the two-thirds rule for the ratification of treaties by the Senate. Rejecting our present procedure as anachronistic and undemocratic, Edward S. Corwin calls for simple legislative action on treaties as a means of ending the traditional tug-of-war between the President and Senate that has so often impeded adoption of international agreements. Although it is true that informal political consultations, such as that developed by former Secretary of State Hull and continued by Secretary Stettinius, has achieved sufficient collaboration between the two branches of the government to assure adoption of the new United Nations Charter, Professor Corwin's indictment of the two-thirds rule is still well worth considering. For the problem of the Executive's relations with the Senate will steadily increase in importance, now that the United States has become a member of the world security organization and the need begins to loom for prompt Senatorial action on a host of international agreements dealing with specific questions.

Although the overhauling of governmental procedures, the need for better methods of informing public opinion, and monetary and trade reforms are corollaries of our membership in the new United Nations Organization, this group of observers is well aware that the revamping of domestic

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and international political machinery will constitute merely a preliminary step toward peace. In an essay that is particularly commendable for its broad grasp of international relations, Gerhart Niemeyer emphasizes the fact that the United States can make its most important immediate contribution to the peace by pursuing a foreign policy that makes the search for agreement among the Big Three its prime goal—a goal not to be abandoned even if our partners disappoint us from time to time and our efforts to maintain inter-Allied unity suffer repeated setbacks.

WINIFRED N. HADSEL.

Foreign Policy Association.

The United States and the World Court. By DENNA FRANK FLEMING. (New York: Doubleday, Doran and Company. 1945. Pp. 206. $2.00.)

On January 29, 1935, the United States Senate ended twelve years of intermittent discussion and voted, 52–36, against American participation in the World Court. In all its turbulent history, the Senate has seldom made a decision which has been so generally condemned by American scholars and publicists; for, on the basis of tradition and a proper solicitude for essential national interests, the United States had something to gain and nothing to lose by taking part officially in the work of the Court. Nevertheless, though reason proposed, the Senate disposed, and the United States remained out of the Court.

It is this record of a dozen years of frustration and bickering which Professor Fleming has spread out in detail for his readers. It is a story which has been told before and one which merits retelling, particularly at a time when great issues of foreign policy are again before the American people for decision. While such a bankruptcy of statesmanship will not, one may hope, occur again, it is chastening to recall how it did prevail more than a decade ago.

Even so, one wonders if the author would not have made his point more strongly and persuasively if he had been a little more content to allow this record to speak for itself. It is understandable that the author is still filled with righteous wrath over the absurdity of the Senate's action, and that he is apprehensive over what a similar decision on new issues might mean to the future welfare of the country. But it is doubtful if the point will be scored all the more tellingly by so unsparingly berating those who led the opposition.

One danger of this technique is that it may lead to an over-valuation of the actual issues involved. Professor Fleming does say that "in December, 1934, it was already too late for the small step of our adherence to the World Court to have any important significance." But the general impression made by the book is that the Court decision was actually of very great importance, and that it was a major step on the road to war.

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Actually, the argument would have been more persuasive—at least to this reviewer—if it had stressed a little more strongly the fact that neither this Court nor any other Court could solve in a pacific manner the essentially political disputes out of which wars germinate. And this point could have been made without detracting in the slightest from the sound conclusion that an international court is a useful, even indispensable, adjunct to any system of general international organization. In other words, care should still be taken to prevent the American people from believing that a Court is a substitute for other forms of international organization for the maintenance of peace.

Professor Fleming concludes his book with an appeal to break the Senate's power of a "minority veto." His indictment of the Senatorial practice of attaching reservations to its approval of multilateral treaties is thoroughly justified. It points to a thing which is greatly needed, namely, a reëxamination of the Senate's proper rôle in respect to the conduct of foreign affairs by a government which has become one of the greatest powers in modern history. It is no criticism of the authors who have worked in this field to say that the great book on this subject still remains to be written.

GRAYSON L. KIRK.

Columbia University.

Public Journal; Marginal Notes on Wartime America. BY MAX LERNER. (New York: The Viking Press. 1945. Pp. xiv, 414. $3.00.)

This volume is composed of more than a fourth of nearly four hundred pieces which Lerner wrote for *PM* between February 4, 1943, and November 15, 1944. In his editorial-essay-column style, he tells what he thinks and why on a wide variety of subjects, and each of his commentaries flows "from a main body of beliefs about human nature and American culture and the world we live in" (p. vii.) The pieces reproduced are grouped under five headings: (1) This Favored Land, (2) Freedom and the Fascist Seed, (3) Political Animal in Wartime, (4) A World in the Making and the Breaking, and (5) Conversations with the Future. In the first group he writes of America as a culture of trains, subways, school days, the movies, basketball, prize fights, murder, love, Errol Flynn, Lepke, Buchalter, Ernest Hemingway, and of other subjects and people. His group titles give a broad identification of the subject-matter of his other pieces.

Shortly after Lerner accepted a place on the staff of *PM*, he wrote: "What America needs most is a still, small voice" (p. 85)—one like that of Henry David Thoreau which would in language perverse, clear, and cool bring to task congressmen whose pettiness of spirit besmirches their office and denounce as neither honest nor wise anyone who praises a "mass-murderer and sadist like Franco." If Lerner is not that voice, it is in part because he forsook his Walden Pond (Williamstown) for New York

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and came under the necessity of arousing the conscience of his fellows four or five times a week. He writes without bitterness, but with indignation, vigor, and occasional humor, exposing the enemies of freedom and championing the cause of America and the dignity of man.

It may be superfluous to say that Lerner was opposed to any dealing with Pétain, Darlan, or other collaborationists; that he is anti-fascist through and through, and "anti" a long list of his fellow-countrymen including Colonel McCormick, Eddie Rickenbacker, Clare Boothe Luce, Sewell Avery, Martin Dies, and Westbrook Pegler. It is equally well known that *PM* and Lerner are strongly pro-civil rights (going well beyond a legalistic interpretation of those rights), pro-democracy, pro-labor, pro-Russia, pro-Roosevelt (although he seldom went far enough), and pro-Wallace.

In selecting his pieces for this volume, Lerner frankly had his eyes partly on their viability if read ten years from now (p. viii). It is my belief that his hopes will not be disappointed. Historians will find in these well-written, thought-provoking, and fine-spirited articles some of the material they will need for an understanding of America during the second World War.

CLAUDIUS O. JOHNSON.

State College of Washington.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The Municipal Year Book, 1945 (International City Managers' Association, pp. x, 603, $8.50), edited by Clarence E. Ridley and Orin F. Nolting, provides an excellent picture of the problems that American cities faced in 1944 and the way in which they were met. That local government does not decrease in importance in wartime is shown by an examination of the record. New problems are created and old problems complicated by war. The *Year Book* provides an excellent survey of these problems —what they are and how they have been met. If developments in the municipal field are important or significant, they are recorded here. In many cases, present developments cast shadows of things to come, and this is true of municipal activities during 1944. The *Year Book*, while emphasizing the developments of the past year, indicates trends and coming developments. Illustrative is the material on intergovernmental relations, especially the rôle the federal government has played in relation to municipal government during the war, with indications of postwar relationships. The continued development and increased use of intergovernmental arrangements at the local level will undoubtedly continue in the postwar period. The way in which personnel problems have plagued municipal administrators during the war period and the way in which these

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have met the challenge is set forth. Selective service and the attraction of high wages in private industry have taxed the ingenuity of city officials in devising means of making jobs at the city hall more attractive, and in continuing to deliver essential governmental services with reduced personnel. The record of the past year shows that municipal administrators have met the problem in an effective manner. Important developments in the field of finance have been the use of new sources of revenue to reduce the local property tax; increased effort by cities to obtain a greater share of state-collected taxes; and improvements in assessment administration and municipal purchasing. Brief summaries interpret the developments in all fields of municipal activities during the past year. A new section appears showing important economic and social characteristics of all cities of over 10,000 population, including the major type of employment, the industrial activity, and the relation between the number of people who live in the city and those who work there. The editors continue to provide an invaluable tool for the municipal administrator. Experience is the best guide in municipal government as in other activities; and here is the authoritative résumé of activities in American cities during the past year. Persons seeking significant data on American cities will find the answer in *The Municipal Year Book*.—CHARLES M. KNEIER.

The increasing interest in improving the internal mechanism of state legislatures is exemplified in the *Interim Report of the New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures, and Expenditures*, Legislative Document (1945) No. 35. (Albany, N. Y., William Press). This interim committee was appointed in February, 1944, and reported to the legislature in March, 1945. Its first report is confined to a consideration of the fiscal and personnel policies of the New York legislature, and legislative procedure will be dealt with in a subsequent report. Acceptance of part of the committee's recommendations by the 1945 legislature, before publication of the report, is stated to have resulted in substantial savings and clarification in legislative accounts. The committee makes thirty-six specific recommendations. Chief consideration is given to legislative employment. The committee concluded that the general civil service law was inapplicable to legislative employees, but recommended a job classification plan and standardized compensation. The thirty pages devoted to this subject, discussion of the legislative budget, the desirability of an internal audit and accounting system within the legislature, and the problem of legislative printing should be of interest to other states. There should also be general interest in this report because it attempts to apply to the legislative body many of the principles which have now become well accepted in administrative agencies. Some of the specific recommendations, however, may not apply to the average

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state legislature, since, as the committee points out, the New York legislature is really unique among state legislatures, representing an industrial population greater than that of many countries of the world. If any substantial portion of the excellent recommendations in this report are accepted, New York will have taken an important step forward in a field in which improvement and progress have long been overdue.—FREDERICK H. GUILD.

Although primarily of interest to the historian, *The Young Jefferson* (Houghton Mifflin Co., 1945, pp. 544, $3.75), by Claude G. Bowers, may also occupy a place of honor on the book-shelves of the political scientist whose interest lies in the evolution of American democratic theory. The author wields a facile pen, and here is a refreshing and new study of the younger and less well-known years of the life of a great patriot, told in a style attractive to the lay reader but none the less profound in scholarly research. This biographical work is the third in a series; together with *Jefferson and Hamilton* and *Jefferson in Power*, the author presents a dynamic treatment of the rich material from which was woven the life of the writer of the Declaration of Independence. Here one sees Jefferson the student, the gentleman farmer, the family man concerned about the health of his wife and the habits of his daughters, the active lawyer, the public spirited citizen, the revolutionist, the father of democracy. The work deals with all phases of Jefferson's life up to his forty-sixth year. The factual material is well-organized functionally and the chapter heads are designed to attract the attention of the general reader, though with nothing trivial or superficial offered for intellectual consumption. Mr. Bowers deals as adequately with Jefferson as a revolutionist as he does with Jefferson as a founder of Virginian democracy and one of the Fathers of the American Constitution. Through the pages of this book there walk a procession of famous patriots: George Washington, Virginian as well as commander-in-chief, the venerable Franklin, the fiery Patrick Henry, the testy John Adams, the young disciple Monroe, and many others. Here also the reader is confronted with the man Jefferson—a fanatic on liberty, an omniverous reader, not without conceit in his conviction that his way was best; a man with little patience with dissimulation or class privilege, free from personal ambition; a man picked by destiny to serve his state and his country. Here is a scholarly piece of research, done by a man who can write attractively for the layman. Every chapter is interesting in itself, and the very full and adequate bibliography is of particular interest to the political scientist. From the standpoint of political theory, the author presents no new conclusions as to the attitude of Jefferson on constitutional or other public questions, although the reader does become more aware of the part be played in moulding the early foreign policy of the United States during his period abroad.—ELIZABETH A. WEBER.

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In the spring of 1942, practically all west coast residents of Japanese descent were withdrawn to relocation centers in the interior. Upon the initiative of John Collier, Commissioner of Indian Affairs, a sociological research project was set up at Poston, Arizona, one of the ten centers, with two main functions: to aid the administrative officers of the center by analyzing the attitudes of the evacuees, and to gather data which would be of value in general problems of administration. The first function was performed by the research personnel while in residence at the center. Alexander H. Leighton, who was placed in charge of the project, partially fulfills the second in his *The Governing of Men* (Princeton University Press, pp. xvi, 404, $3.75). The book is divided into two parts. The first tells the story of the largest of the three units of which Poston was composed. A moving and very human tale is told; and although personalities among the evacuees are identified, they are not named. The second part consists of principles and recommendations, and is in the nature of a handbook for use by administrators faced with similar responsibilities elsewhere.—RALPH A. NOREM.

In *Double Filing in Primary Elections* (Bureau of Public Administration, University of California, 1945, pp. 18 mimeo.), Robert W. Binkley, Jr., summarizes for California legislators the history of California statutes permitting candidates to file in the primary of two or more parties. In 1944, double filing existed in all national and state legislative contests; and five congressional, seventeen senatorial, and sixty-five assembly candidates won both major party nominations. In the general election, there were contests between major party candidates for United States senator, and in sixteen congressional, two senatorial, and fourteen assembly districts. Brief attention is given to provisions permitting double filing in Maine, Maryland, Massachusetts, and Vermont, for local offices in New York, and "write in" provisions permitting dual candidacies in New Hampshire and Oregon. Arguments for and against double filing are stated briefly. A table, with statutory citations, indicates provisions regarding double filing in all states having primary elections.—WILLIAM L. BRADSHAW.

The November, 1918, issue of *The Annals* was devoted to "Rehabilitation of the Wounded," its contributors discussing the problems of the physically wounded and saying what ought to be done. In contrast, *The Disabled Veteran* (*The Annals*, May, 1945, pp. 237, $2.00) elaborates what is being done, by a multitude of agencies. A comparison of the two issues shows that in the intervening twenty-seven years psychiatry has come of age, vocational counseling has developed its techniques, and both government and the community have become aware of the problem of rehabilitation of the soldier. Vocational rehabilitation was a legislative pro-

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gram in 1918; it is now a functioning institution. Most of the articles in this issue are written by men actively participating in the various programs. They are authoritative, though occasionally written in that style of official reports which implies that the objectives of a program are also its results.—DAVID O. WALTER.

INTERNATIONAL LAW AND RELATIONS

If anyone places excessive confidence in the good faith of the German people at the end of this war, or underestimates their determination to reassert themselves in another struggle for world power, it will not be the fault of Lord Vansittart, for, like old Cato, who warned his fellow-Romans against Carthage, the author of *Bones of Contention* (Alfred A. Knopf, 1945, pp. viii, 158, $2.75) and other similar volumes tells the Allied world that "nothing but a most drastic and relentless peace will prevent a third outbreak." This volume consists of a collection of speeches and articles, all elaborating the undeviating theme that World War II was but the outward manifestation of "a process fermenting in the German mind for generations." No element or group of the German people is absolved. The Church is no exception. Catholics and Protestants alike, he argues, have accepted the Nazi foreign policy. Even Niemoller was a "vehement and bellicose nationalist." German refugees are likewise indicted, for, though they "don't want us to lose the war," "they do want us to lose the peace." Germany is a "paranoid nation" inherently bent on aggression. The absence of any significant group of "good Germans" is emphasized by the failure of "a real or organized underground movement." Politically, the German Right is "utterly hopeless," but the Left cannot be trusted. Therefore, "we can trust nothing but an entirely renovated Germany, male and female" (p. 13). Admittedly, there are individual exceptions to the general indictment. Lord Vansittart is commonly regarded as an extremist, and one easily reaches that conclusion in reading his pages. When, however, one studies the peace terms for Germany thus far elaborated by the Allies, and compares them with the author's prescription, one finds very little difference between the two programs. Vansittart would break up Prussia and encourage local autonomy among the other German states, but it does not appear that he would forcibly take away the entire right bank (and some of the left) of the Oder. Incidentally, he extends the right hand of fellowship to France. This volume tends to be long on exhortation and short on documentation. It lacks somewhat in orderly development of a theme; but it contains a point of view that should be taken into account in reaching final conclusions on "the problem of Germany." —GEORGE B. NOBLE.

Antonin Basch's latest book, *A Price for Peace* (Columbia University Press, pp. xii, 209, $2.50), is an important contribution to postwar think-

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ing by a respected student of European affairs. In this study, the author of such works as *The New Economic Warfare* devotes himself to the problem of "the new Europe and world markets." The economic welfare of Europe depends entirely on its being an integral part of a smoothly working international economy. Having stated his thesis, Dr. Basch proceeds to analyze the effect upon Europe of recent economic history, German policy, and the war. Additional background material is furnished in chapters on the evolution of world-wide industrialization, the inter-war period, Great Britain, and the Soviets, thus sketching the economic environment in which tomorrow's Europe must live. What kind of adjustments must Europe make in order to achieve the aforesaid objective? Briefly, Europe must undergo economic integration before increased production and higher living standards can become a reality. There must be a reorientation of production—agricultural and industrial, particularly in the direction of greater specialization. If necessary, there must be a re-allocation of resources and development of new products. Finally, European nations must pursue sensible economic foreign policies. It is difficult to escape the compelling logic of these conclusions. Common sense flavors this timely study, especially the chapters entitled: "The Problem of Germany" and "Europe Goes Left." The former could be read with a good deal of profit by those who continue to peddle nonsense concerning the postwar treatment of the defeated Reich. Figures abound throughout, though they are used carefully. The analysis provides hard going for the reader at times, but there is usually a clarifying paragraph near-by. Fortunately, Dr. Basch is not an economist who ignores political considerations. The materials presented have implications far beyond the modest purpose set forth in the preface. Political scientists would do well to read this book—now. —R. C. SNYDER.

The Carnegie Endowment for International Peace has continued its valuable work of compilation with regard to inter-American matters with the publication of the *Handbook of International Organizations in the Americas* (Washington, 1945, pp. xvi, 453, $5.00), prepared by Ruth D. Masters and other staff members of the Division of International Law. The *Handbook* is an extension and expansion, in a sense, of the brief synopses of inter-American agencies included in the Endowment's earlier *International Conferences of American States, First Supplement, 1933–40*. Basic data regarding the history, purpose and functions, membership, administration, meetings, voting, finances, languages, publications, and work done are given for 109 international organizations having their headquarters in the Western Hemisphere. Criteria of definition and inclusion perforce had to be somewhat arbitrary, but Dr. Masters and her colleagues drew the criteria intelligently and have assembled a mass of information that would be unavailable to the private student without end-

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less searching. The volume will hence immediately take its place as an indispensable reference work. The first to be issued of seven parts of another reference work now going into a third edition is *Who's Who in Latin America, Part II: Central America and Panama*, edited by Stanford's Professor Ronald Hilton, successor to the late Professor Percy A. Martin, founder of the publication, and published jointly by the Stanford University Press and the A. N. Marquis Company (pp. xi, 103, cloth $2.25, paper $1.50). This, too, is a necessary reference work for students in the Latin American field—and yet a disappointing one. It is understandable that difficulties of collecting the data should suggest publication in installments (and the other six regional parts are promised for as early a date as possible), but the form of publication detracts from the utility of the completed publication and adds to the cost to the user. The coverage in this edition is much larger than in earlier editions—a promised 8,000 biographies, or five times as many as previously. That is definitely an advantage. A serious editorial weakness is the decision to base admission to the *Who's Who* on residence rather than nationality. This was perhaps done by analogy with *Who's Who in America*, but the conditions governing the two are not the same. This arbitrary and artificial criterion leads to the inclusion of Mejía Colindres, ex-president of Honduras and a perennial *político*, under Costa Rica, where he is in exile, rather than under Honduras where he properly belongs. The inclusion of various North Americans, temporarily in Central American countries on business or in diplomatic posts, is to be questioned. Various other irregularities of inclusion are apparent. Both E. J. Kyle and Boaz Long are listed as ambassadors to Guatemala. Doris Zemurray Stone (Costa Rica) is alphabetized under Z instead of the more logical S. Omissions are to be expected in any such publication, but they are unfortunately numerous. To take only high executive officials (as of September, 1944, when compilation was doubtless in progress), the volume omits the first, second, and third presidential designates, and the secretaries of labor, finance, agriculture, interior, and development of Costa Rica; the minister of agriculure of El Salvador; the secretaries of foreign relations, interior, finance, war, public works, and public education of Guatemala; the secretaries of foreign relations, finance, public works, and war of Honduras; the minister of public works of Nicaragua; the ministers of finance, government, and education of Panama. President Arévalo of Guatemala is omitted, but President Castañeda Castro of El Salvador, who took office about the same time, is included. The examples in this itemization are trivial in themselves, but they (and others) are evidence of an editorial looseness that is regrettable. —Russell H. Fitzgibbon.

Acceptance by all nations of the Bretton Woods plan generally is considered basic to the effective functioning of the proposed international

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organization. George Halm's *International Monetary Coöperation* (University of North Carolina Press, 1944, pp. vii, 355, $4.00) is a timely recognition of this. Reviewing the discussions and documents which led to the final agreement, he aims to explain the importance of the International Monetary Fund. The British Keynes Plan and America's White Plan, theoretically compromised to create the Bretton Woods agreement, are examined as background. Problems of the functions of gold, credits, quotas, exchange rates, and other fiscal tools are treated as they relate to the Fund. It is difficult to gauge the audience for whom the volume was intended; since it demands a knowledge of monetary economics, presumably it was not written for popular appeal. The book, therefore, might have been more penetrating and critical, while in no way weakening its argument. Problems raised by various critics should have received more adequate treatment—the size of the individual member contributions and the corresponding degree of control, the use of the Fund for reconstruction purposes, organization of the proposed authority, and the looseness of the borrowing provision—to note a few. Nor does Halm indicate how largely the final agreement was an adaptation of the White Plan. The author does recognize certain limitations of the agreement as finally decided, but asks: " . . . is there any other proposal, aimed at multilateral clearing, so definitely, so obviously, superior that it could be accepted by a majority of nations . . . ?" As the only over-all treatment of an important and current problem, the book is valuable. The texts of the documents discussed are included in full.—Rita Davidson.

Despite its somewhat pro-Russian bias, the small volume on *Russo-Polish Relations; A Brief Summary of 600 Years of History, with Selected Documents* (Princeton University Press, 1945, pp. viii, 102, $1.50), edited by S. Konovalov, professor of Russian in the University of Birmingham and lecturer in Slavonic Studies at the University of Oxford, throws helpful light on a knotty problem. The text is composed of materials from a report undertaken by the late Sir John Maynard in 1943 at the request of the Anglo-Soviet Public Relations Association and sections added by the editor to bring the account up to the spring of 1944. Quotations from previously published books or articles on Russo-Polish relations are used extensively, and the reader may question the impartiality of some of these selections. This criticism is partially met, however, by the appendices, which carefully present both Polish and Russian arguments on controversial points. That historically justified reason for friction and mistrust exists on both sides, is made clear. It is therefore difficult to accept the writer's conclusion that a frontier based approximately on the Curzon line will finally settle Russo-Polish conflicts of race, language, religion, and ambition of such long standing.—D. Beatrice McCown.

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POLITICAL THEORY AND MISCELLANEOUS

Economic Democracy and Private Enterprise (Harper's, 1945, pp. 117, $2.00), by Michael O'Shaughnessy, and *Capitalism and Progress* (International Publishers, 1945, pp. 111, $1.25), by Anna Rochester, deal with the future of capitalism. Both recognize its past accomplishments, its dynamic nature, and its failure to achieve economic democracy; but, in specific recommendations and development of subject-matter, they have little in common. Mr. O'Shaughnessy largely restates arguments already advanced. For him, the society of the future should be based on: (1) full employment, (2) an equitable income distribution, (3) a functional democracy founded on production for use. Of these objectives, perhaps only the third is very questionable. It will take more than Mr. O'Shaughnessy's verbal assumptions to convince owners and managers that use is more important than profits. His proposal concerning a functional democracy, a council composed of seven economic groups with consumer, owner-manager, and labor representation, would probably not improve the situation; for experience with functional representation has not been encouraging. According to O'Shaughnessy, if each spending unit enjoyed an income of $2,800, the United States could achieve full employment and a decent standard of living. Other writers have explored this thesis, but a $2,800 income for all would require fundamental changes—not easily achieved—in our wage, price, and profits policy. Anna Rochester uses the traditional Marxian approach to explain the origin and growth of capitalism, but it is her recommendations for the future which are most interesting, even though they comprise a very small part of her work. She suggests that the business cycle, created by stresses and strains in the capitalist system, could be alleviated by higher wages and broad social planning. There are difficulties in the United States—inequality exists, freedom of speech and press are limited—but to her the answer is simple. "The U.S.S.R. created by a people's revolution in which the working class played a leading rôle represents the most advanced democracy yet achieved by the human race." Such generalizations certainly detract from the value of a reasoned presentation. Since there is no immediate hope for a socialist state in America, "exports of industrial equipment to undeveloped countries and planning for mass abundance could together provide a capitalistic solution. . . ." These two books are controversial, not because they deal with the creation of a welfare economy, but because of the methods they recommend. Anna Rochester has taken some liberty with facts and has reached some conclusions—as to the value of Communism—with which the reviewer cannot agree; but she speaks for an important segment of the world population. These works deserve serious consideration, but the reader will not find here a definitive, or even a comprehensive, study of the future of capitalism.—LAWRENCE L. PELLETIER.

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Dr. W. E. Burghardt DuBois, dean of Negro social scientists in America, is the author of a number of works dealing primarily with the status of his people in this country. In his *Color and Democracy* (Harcourt, Brace, 1945, pp. 143, $2.00), he turns to the broad and timely subject of colonies and dependent peoples throughout the world. This is a vast and complicated problem, and one cannot but wish that Dr. DuBois had taken more time to go into it thoroughly and systematically. His criticism of Dumbarton Oaks was published precisely at the moment when the UNCIO was ironing out many disputed points concerning the status of colonial areas. Perhaps it was his intention to influence those decisions through his arguments in this little book. One might nevertheless wish that he had waited until after the San Francisco Conference, at which he was a consultant, so that we could have his evaluation of the final arrangements on dependent areas. The body of his work comprises a critique of the manner in which the world's "unfree" peoples are "misgoverned." Among the category of "unfree" peoples he includes practically every country except the Great Powers. From a certain point of view, this may be justifiable, but it inevitably results in confusing colonial with other issues. Dr. DuBois is undoubtedly correct in stressing the economic causes for "Jim Crowing" dependent peoples and colored races, but some may consider that he has overemphasized the special rôle of investment capital. His anti-British bias is evident, and interesting, too, in view of the widely accepted notion that Britain's colonial policy contains the greatest promise of eventual emancipation for subject peoples. Dr. DuBois applauds Soviet Russia's declarations in favor of colonial emancipation and against the color line. In his concluding chapter he takes a few potshots at the hypocrises of religious leaders on the race and colonial questions. All in all, this little book must be regarded as primarily a tract for the times.—ROBERT GALE WOOLBERT.

In the second edition, revised and enlarged, of *Man's Most Dangerous Myth: The Fallacy of Race* (Columbia University Press, pp. xiv, 304, $3.25), M. F. Ashley Montagu pleads anew for the kind of social conditions necessary for harmonious, fruitful relations among persons of different cultural backgrounds. Enlightened men generally succeed in overcoming "race" prejudice, in directing their tendencies toward aggressiveness into socially desirable channels, and in operating on the basis of what they know to be the facts. A minority, their behavior is not the problem. Rather, the objective should be to enlist these men as leaders in the crusade for which Dr. Montagu so ably provides the foundation of analyzed fact. Recent discussion of the FEPC points to the need. In this second edition, Dr. Montagu includes new and valuable chapters on " 'Race' and 'Blood'," "Myths Relating to the Physical Characters of the American

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Negro," "Are the Jews a 'Race'?" and, finally, "What is the Solution?" In this last chapter on remedies, called for by Aldous Huxley, who contributed the foreword to the first edition, the writer offers suggestions supplementing the possible answers to the "race" problem that may occur to the reader. "If we eliminate the causes, we shall also eliminate the effects which they produce" (p. 244). Teaching the facts in the schools cannot be too strongly commended, but it is not enough, "since what is taught in the schools is not what men believe, and men will not act upon what they do not believe" (p. 246). Only when conditions of selfish exploitation are replaced by conditions of coöperation will it be possible for education to inspire our young citizens to believe in humanity and to act upon what they believe. Dr. Montagu advocates that our educators reorganize the educational system so as to teach the principles of human living. A first step in the right direction is inauguration of the Springfield, Massachusetts, community-school plan for democracy and coöperation which the writer describes in an appendix. The book contains an excellent bibliography.—LUTHER J. LEE, JR.

Harry M. Cassidy's *Public Health and Welfare Reorganization; The Postwar Problem in the Canadian Provinces* (Toronto: Ryerson Press; Boston: Bruce Humphries, 1945, pp. xii, 464, $5.00) contains material to which it would be hard to avoid referring the student in any course in public administration or in state and local government that draws freely on the experience of other countries. Professor Cassidy has the unusual advantage of having headed schools of social work both in the United States and in Canada, and of having served British Columbia as its first director of welfare. He writes with the authority that comes of practical experience and of a knowledge of other countries besides his own. More than half of the book consists of a detailed, and often critical, analysis of public health and social welfare administration in British Columbia, with a wealth of technical detail and a sound grasp of general principles. The remainder consists mainly of briefer critiques of health and welfare administration in the other provinces. Canada may not have had a New Deal; but it seems to be making up for that omission by a lot of thinking and writing on social welfare administration, in which the works of Cassidy take their place with those of Whitton and Marsh. One only regrets that this book appeared before the issuance of the Canadian government's white paper on post-war employment, so that it was difficult to relate its study of the interrelations of federal, provincial, and local government to the dictates of a full-employment policy.—W. HARDY WICKWAR.

A more specialized version of the Hayek *Road to Serfdom* tactics is George Terborgh's *The Bogey of Economic Maturity* (Machinery and

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Allied Products Institute, 1945, pp. vi, 263, $3.00). In this instance, Alvin Hansen and disciples are selected for attack. Terborgh denies that the American economy has reached maturity and by new policies and programs must adjust to this change. "Decline of population, the passing of the frontier, dearth of new industries, and the growing importance of depreciation reserves" are dismissed lightly as the "new apocalypse's four horsemen." The author admits the necessity of preventing another depression, but eschews Hansen's plan (a compensatory fiscal program and a developmental program of public investment), while failing to supply his own alternative. The author claims that the T.N.E.C. hearings relating to savings and investment, "ostensibly an unbiased search for truth . . . were carefully staged by a small group of Administration operatives to exclude all testimony in conflict with the philosophy it was their purpose to promote." Besides charging the Committee with trumped-up evidence, he implies that the Government Printing Office deliberately proceeded "to distribute over the land" its monographs and testimony *free* or at *a very nominal price*. His case against the maturity economists is as flimsy as his accusations about the G.P.O. The "demons of economic stagnation" he is so anxious to "exorcise" appear to be largely the products of his own too lurid imagination.—Rita Davidson.

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Commerce Department

Census bureau. The bureau of the census is now issuing a "summary of biostatistics, maps and charts, population, natality and mortality statistics" for the various countries of South America. They are prepared in coöperation with the coördinator of Inter-American affairs office of the State department. Seen to date are those for Bolivia (69 p.), Brazil (130 p.), Colombia (138 p.), and Uruguay (129 p.)

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Congress

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and H. L. Clagett. Washington: Govt. Ptg. Off., 1945. 269 p. $2.00. (This is the sixth in the Latin American series of guides to law and literature, and is probably the most important. It is indispensable as a guide to source material on the law of Mexico, including that on the Constitution.)

Selective Service

Director. Selective service as the tide of war turns. The 3rd report of the director of selective service, 1943–1944. Washington: Govt. Ptg. Off., 1945. 666 p. illus. (Nominally this is an annual report, but in fact it is a rather popular account, copiously illustrated, of how the draft works in a democracy. There is ample legislative and regulatory material.)

State Department

The foreign service of the United States; what it is and the career it offers. Washington: Govt. Ptg. Off., 1945. 3 p. (This is only part of the material sent out with announcements of an examination for admission to the foreign service, to be given November 19 and 29, 1945, but is in brief an effective statement of the duties and qualifications of a career member of that service,

Treasury Department

Library. National wealth and national income in the United States and foreign countries; selected list of references. Revised edition. Washington, 1945. 78 p. (mim.)

President

3rd report to Congress on United States participation in operations of UNRRA under the act of March 28, 1944. Washington: Govt. Ptg. Off., 1945. 45 p.

War Department

Army service forces. Civil affairs handbook: Italy. Section 2: Supplement. Allied military government manual of proclamations and instructions used in Sicily. Headquarters, Army Service Forces, 27 November, 1943. 278 p. (M 353–2. This has been restricted, but is now believed to be on unclassified list.)

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INDIA

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MEXICO

Department of foreign affairs. The Department has instituted in 1945 a series called "International policy, popular series," of which three issues have been seen. They are, respectively, *Our international policy, Towards the organization of the coming peace,* and *Our contribution to the cause of the Americas,* all speeches by Ezequiel Padilla, secretary of foreign affairs. They are in folder form, about twelve pages each.)

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Presidente. Mexico coopera con las naciones aliadas. Nuestra bandera ondea en los campos de la lucha. [por] Manuel Avila Camacho, Presidente de los Estados Unidos Mexicanos. Mexico, D.F., 1944. 74 p.

POLAND

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INTERNATIONAL LABOUR OFFICE

The exploitation of foreign labour by Germany. Montreal, 1945. 286 p. $1.50. (While primarily a labor work, this is largely concerned also with the governmental organization necessary to take care of this unusual problem, and hence has a decided interest for political scientists.)

UNITED NATIONS INFORMATION OFFICE

Japan's record and world security. New York, 1945. 40 p. 10¢. (Consists of excerpts from official documents and speeches of Japanese and United Nations officials, on such subjects as the face superiority myth, belief in invincibility, plans for world conquest, punishment of war criminals, etc.)

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